

Title 296 WAC

LABOR AND INDUSTRIES, DEPARTMENT OF

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Chapter 296-05 WAC APPRENTICESHIP RULES

WAC

296-05-303	Apprenticeship committees—Duties and responsibilities.
296-05-316	Apprenticeship agreements—Standards requirements.

WAC 296-05-303 Apprenticeship committees—Duties and responsibilities. (1) Apprenticeship committees are appointed according to the provisions of RCW 49.04.040 and are composed of at least four members but no more than twelve. However, the WSATC may grant exceptions to this provision.

(2) Chapter 49.04 RCW, these rules, and the approved standards under which a committee operates define the duties of an apprenticeship committee. Committees shall function, administer or relinquish authority only with the consent of the WSATC.

(3) A committee is responsible for:

- The day-to-day operations of the apprenticeship and training program;
- Operating the program according to WSATC approved standards;
- Accepting or rejecting applicants for apprenticeship or training;
- Registering approved applicants with the supervisor;
- Removing apprentices from the program as provided by the approved program standards;
- Informing the supervisor of any matters that affect the standing of individuals as apprentices; and
- Entering into agreements with other apprenticeship committees for the use of apprentices by training agents that are working outside their approved geographic area served.

The WSATC will only recognize apprentices registered with the supervisor.

(4) Committees approved by the WSATC must offer training opportunities on an equal basis to all employers and apprentices including all rights, appeals, and services available in the existing apprenticeship program. All existing committees that represent multiple employer or employer associations, except for committees that represent plant programs, are expected to provide access to apprenticeship and training opportunities to employers not currently participating in the program. Those opportunities must:

- Provide training at a cost equivalent to that incurred by currently participating employers and apprentices;
- Grant equal treatment and opportunity for all apprentices;

- Offer reasonable working and training conditions and apply those conditions to all apprentices uniformly and equally;

- Not require an employer to sign a collective bargaining agreement as a condition of participation in an apprenticeship program;

- Require all employers requesting "approved training agent" status to comply with an WSATC approved agreement and all federal and state apprenticeship rules and the appropriate apprenticeship standards. (The training agent shall employ only registered apprentices when training for that occupation or trade);

- Require sponsors, who approve "approved training agent" agreements, to furnish the department with a copy of the agreement and/or the list of approved training agents within thirty days of committee approval; and

- Require sponsors who rescind "approved training agent" agreements and/or the list of approved training agents to notify the department that they have done so within thirty days of said action.

(5) Apprenticeship program sponsors may send registered apprentices to limited training agents.

This shall be called a "limited training agent agreement," which is when an employer that is not currently a registered training agent to a set of apprenticeship standards, enters into a single public works project agreement with the program sponsor for the purposes of apprenticeship utilization. The limited training agent agreement must specify that:

- The program sponsor must ensure that all program requirements are being followed.

- Apprenticeship utilization requirements must be in the public works contract.

- The agreement is for a specific trade(s) or occupation(s).

The limited training agent must sign the training agent form.

This limited training agent agreement does not obligate the employer to use registered apprentices in any other type of work or trade or occupation other than the one for which the limited training agreement is entered into.

This is a pilot program lasting for two years (July 2004 - July 2006) in Spokane County only.

The department must conduct a study and provide a report back to the Washington state apprenticeship and training council on the effect of the rule. This report should contain vital information including the numbers of apprenticeship hours generated, any adverse impacts on apprenticeship programs and apprentices, any compliance problems, any health and safety problems, or other considerations requested by the council at a later date. This report is due to the WSATC by March 15, 2006.

(6) If an existing committee fails to or refuses to offer apprenticeship and training opportunities to all employers, the WSATC may take action to remove the restrictions to access in order to comply with the intent of chapter 49.04 RCW and these rules. Action may include, but is not limited to, the decertification of the existing committee and recognition of a new committee.

[Statutory Authority: RCW 49.04.010, 05-04-093, § 296-05-303, filed 2/2/05, effective 4/1/05. Statutory Authority: RCW 49.04.010, 2001 c 204,

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and chapter 49.04 RCW. 01-22-055, § 296-05-303, filed 10/31/01, effective 1/17/02.]

WAC 296-05-316 Apprenticeship agreements—Standards requirements. The WSATC shall have the authority to develop, administer, and enforce program standards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee.

EXCEPTION: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.

(c) Determine the program sponsor's need for apprentices in the area covered by the apprenticeship standards established under these rules.

The following are some examples of ways the program sponsor can demonstrate that the need for apprentices exists:

- Statistical analysis of workload projections;

- Demographics;

- Information relating to expected workload growth.

(d) Establish minimum standards of education and skilled occupational experience required of apprentices.

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.

(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards.

EXCEPTION: This does not apply to plant programs.

(g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.

(h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.

(i) Hear and adjust all complaints of violations of apprenticeship agreements.

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an affirmative action plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).

(7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual attendance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.

(8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations.

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the department.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:

- Certificate of completion;

- Additional credit;
- Suspension;
- Military service;
- Reinstatement;
- Cancellation; and
- Corrections.

(11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.

(12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.

(15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- Withhold periodic wage advancements;
- Suspend or cancel the apprenticeship agreement;
- Take further disciplinary action; or
- The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's action, to the WSATC.

(22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or

stated cause. An appeal process is available to apprentices who have completed the initial probationary period.

(23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)

(25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

(27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC. These may be submitted on a form provided by the department.

A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

[Statutory Authority: RCW 49.04.010, 05-10-087, § 296-05-316, filed 5/4/05, effective 6/15/05. Statutory Authority: RCW 49.04.010 and 2001 c 204 (SHB 1234), 02-10-083, § 296-05-316, filed 4/29/02, effective 6/1/02. Statutory Authority: RCW 49.04.010, 2001 c 204, and chapter 49.04 RCW, 01-22-055, § 296-05-316, filed 10/31/01, effective 1/17/02.]

Chapter 296-06 WAC PUBLIC RECORDS

WAC

296-06-010	Purpose.
296-06-020	Description of department organization.
296-06-030	Locations where information about the department may be obtained and the department public records inspected and copied.
296-06-040	Operations and procedures.
296-06-050	Department rules.
296-06-080	Authorization to release information.
296-06-090	Public records officer.
296-06-100	Office hours.
296-06-110	Requesting public records.

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Copying fees.
Denials of records requests.
Appeal of denial of requests.
Protection of public records.
Records index.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-06-170	Records index. [Statutory Authority: RCW 51.04.020(4) and 51.04.030, 90-07-004, § 296-06-170, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-170, filed 9/28/76; Order 73-12, § 296-06-170, filed 7/31/73.] Repealed by 05-09-059, filed 4/19/05, effective 5/20/05. Statutory Authority: RCW 42.17.260(5).
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WAC 296-06-010 Purpose. The department of labor and industries (L&I) is an agency of state government created by RCW 43.17.010. In this chapter it shall be referred to as the "department." Where appropriate, "department" also refers to its staff and employees. The purpose of this chapter is to ensure compliance with the public records provisions of chapter 42.17 RCW.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250, [42.17].251, 51.04.020, 51.04.030, and 2005 c 483, 05-13-151, § 296-06-010, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030, 90-07-004, § 296-06-010, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-010, filed 9/28/76; Order 73-12, § 296-06-010, filed 7/31/73.]

WAC 296-06-020 Description of department organization. (1) **Central organization.** The chief executive officer of the department is the director of labor and industries, referred to here as "director." The director is appointed by the governor with the consent of the senate and serves at the pleasure of the governor. The department is organized in six regions across five divisions: Insurance services, WISHA (Washington Industrial Safety and Health Act) services, specialty compliance services, operations, and field services. Each region and division is responsible to a deputy director or assistant director appointed by the director. Major policy decisions, rule-making, and the primary administrative functions of the department are carried out by the department's central organizations in Olympia.

(2) Field services.

The department maintains service locations, or major field offices, in many cities. These service locations are grouped into six regions throughout the state, each headed by a regional administrator.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250 (1)(a), 51.04.-020, 51.04.030, and 2005 c 483, 05-13-151, § 296-06-020, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030, 90-07-004, § 296-06-020, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-020, filed 9/28/76; Order 73-12, § 296-06-020, filed 7/31/73.]

WAC 296-06-030 Locations where information about the department may be obtained and the department public records inspected and copied. (1) Tumwater office.

The office of the director, the administrative office of the department, the main offices of the divisions, and the office of the public records officer are in the Labor and Industries headquarters building, Tumwater, Washington. General information about the department and its divisions may be obtained at this location, and on the internet at www.lni.wa.gov.

(2) Field offices.

(a) General information about the department may also be obtained at its service locations, or field offices, at the addresses listed on the internet at www.lni.wa.gov and/or found on the state government pages of local area telephone directories.

(b) Requests for public records containing confidential information will be processed only through the Tumwater office, unless the requestor is authorized to access them.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250, 42.17.290, 51.04.020, 51.04.030, and 2005 c 483. 05-13-151, § 296-06-030, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-030, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-030, filed 9/28/76; Order 73-12, § 296-06-030, filed 7/31/73.]

WAC 296-06-040 Operations and procedures. The general operations and procedures of the department's five divisions are summarized below. For more information, go to: www.lni.wa.gov.

(1) Insurance services.

This division administers Washington's workers' compensation program—Medical care and disability benefits for workers who are injured on the job. Every business with employees must provide this coverage. L&I administers the "state fund," which covers the majority of the state's workers. Through its self-insurance program, it also monitors coverage offered by large companies that choose to self-insure and manage their own claims.

This division includes all of the workers' compensation programs that:

- Manage injured worker claims;
- Bill employers for their required quarterly premiums;
- Pay health care (and other) providers for their services.

The division also:

- Sets workers' compensation rates;
- Helps employers control their premiums through a variety of financial incentive, claims management, return-to-work and safety programs;
- Administers the department's crime victims compensation program, which covers those who are injured as a result of criminal acts.

More information is available at www.LNI.wa.gov/ClaimsIns.

(2) WISHA services.

This division administers the Washington Industrial Safety and Health Act (WISHA), under a state plan agreement with the federal Occupational Safety and Health Administration (OSHA). It aids in the prevention of job injuries and illnesses by adopting and enforcing safety and health

standards and by training employers and employees in safe working procedures.

Through the RCW, the legislature has directed L&I to administer and enforce three additional programs. These programs are also handled by WISHA:

- Asbestos, including certifications and notifications of asbestos projects;
- Explosives, regulating the possession, handling, and use of explosives or explosive devices;
- Worker and community right to know, which provides a way of communicating information regarding hazardous substances in the workplace and the community.

Employer and employee procedures and responsibilities, and information about voluntary consultations to improve workplace safety can be found on the internet at www.lni.wa.gov/FormPublications. Information about reporting workplace accidents to OSHA can be found on the internet at <http://www.osha.gov/pls/publications/pubindex.list>.

(3) Specialty compliance services.

This division encompasses several diverse programs related to the construction trades, workplace rights, and apprenticeship. Its programs' duties include:

- Registering contractors to ensure they are bonded and insured.
- Licensing electrical contractors and elevator mechanics.

- Certifying plumbers and electricians.

- Regulating and inspecting:

- Electrical installations.
- Boilers and pressure vessels.
- Factory assembled structures.
- Elevators and other conveyances.

Employment standards program:

Develops and enforces rules regulating wages (including prevailing wages for public works projects) and hours, and working conditions, including those for teenagers.

Apprenticeship program:

Administers the state's apprenticeship training laws and policies.

(4) Operations.

This area includes several internal support divisions including administrative services, information services, the office of human resources, and fraud prevention and compliance.

Fraud prevention and compliance:

This division encompasses several diverse programs related to the prevention of abuse in the workers' compensation system. Its programs include:

- Audit.
- Collections.
- Detection and tracking.
- Firm appeals.
- Investigations.
- Significant employer cases.

(5) Field services.

This division provides the agency with local department program service throughout its service locations in six geographic regions of Washington.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250 (1)(a) and (c), 42.17.290, 51.04.020, 51.04.030, and 2005 c 483. 05-13-151, § 296-06-040, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4)]

and 51.04.030. 90-07-004, § 296-06-040, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-040, filed 9/28/76; Order 73-12, § 296-06-040, filed 7/31/73.]

WAC 296-06-050 Department rules. The department's rules, adopted as authorized by law, are in Title 296 WAC.

[Statutory Authority: RCW 42.17.250 (1)(b) and (c), 42.17.290, and 2005 c 483. 05-13-151, § 296-06-050, filed 6/21/05, effective 7/22/05; Order 76-27, § 296-06-050, filed 9/28/76; Order 73-12, § 296-06-050, filed 7/31/73.]

WAC 296-06-080 Authorization to release information. Some public records are protected from inspection and/or copying by state and/or federal law. You may access these records by either:

- Being the person legally authorized to access them; or
- Getting a notarized written authorization from the person with legal access. This authorization must:
 - Include a description of the records.
 - State the name of the person or persons authorized to inspect and copy the records.
 - Be signed and dated by the person with legal access to the records.

Note: If the records contain information about a disease or a condition usually transmitted through sexual contact, the release authorization must specifically mention sexually transmitted disease.

Authorizations to release information, once submitted to the department, become a part of the public record and the department's files.

[Statutory Authority: RCW 51.28.070, 51.16.070, and 2005 c 483. 05-13-151, § 296-06-080, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-080, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-080, filed 9/28/76; Order 73-12, § 296-06-080, filed 7/31/73.]

WAC 296-06-090 Public records officer. The department will designate a public records officer to be in charge of its public records. This officer will have an office at the department's Tumwater headquarters. They are responsible for the enforcement of the department's rules and regulations regarding the release of public records, and for making sure the department's staff cooperates and complies with the public disclosure requirements of chapter 42.17 RCW. They may appoint delegates to help with the work as necessary.

[Statutory Authority: RCW 43.17.060, 51.04.020, 51.04.030, and 2005 c 483. 05-13-151, § 296-06-090, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-090, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-090, filed 9/28/76; Order 73-12, § 296-06-090, filed 7/31/73.]

WAC 296-06-100 Office hours. Inspecting and copying the department's public records will be allowed only during regular office hours, which are 8:00 a.m. through 5:00 p.m. Monday through Friday, not including legal holidays.

[Statutory Authority: RCW 42.17.270, [42.17].280, [42.17].290, and 2005 c 483. 05-13-151, § 296-06-100, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-100, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-100, filed 9/28/76; Order 73-12, § 296-06-100, filed 7/31/73.]

WAC 296-06-110 Requesting public records. (1) You can request an inspection or copy of the department's public records by either:

- Making a request at any of the department's service locations; or
- Sending a written request to the L&I public disclosure unit at:

Department of Labor & Industries
Public Disclosure Unit
Post Office Box 44632
Olympia, WA 98504-4632

Note: If you make an oral request, the department may put your request in writing and give or send a copy of it to you for confirmation or written correction.

(2) Written requests must include the following:

- The requestor's name.
- The date the request is being made.
- A description of the requested records, including the title, subject matter, date the records were made, and any other identifying information.
- A signed statement that the material will not be used for commercial purposes, if the requested material includes a list of individuals.

Note: Department staff will assist the requestor in identifying records if needed. If the request is not clear, the department will ask for clarification. If no clarification is received, the department will not respond. The department shall not deny a request for identifiable public records solely on the basis that the request is overbroad.

(3) Records that are protected by an individual's rights to privacy will not be released until the authorization described in WAC 296-06-080 is submitted, with the written request, to the department.

[Statutory Authority: RCW 42.17.260(1), 42.17.320, 42.17.290, and 2005 c 483. 05-13-151, § 296-06-110, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-110, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-110, filed 9/28/76; Order 73-12, § 296-06-110, filed 7/31/73.]

WAC 296-06-120 Copying fees. The department may charge the requestor a fee for reimbursement of actual copying costs and postage costs. The department may require a deposit of up to ten percent of the estimated cost of all copies. If the department delivers a public records request on a partial or installment basis, it may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed within thirty days, subject to a case-by-case consideration, the department is not obligated to complete the balance of the request. Requestors may make their own copies at a department location, under the supervision of a department staff member, if the records will not be harmed and it will not interfere with the normal work of the department.

Note: Copying charges for various media are found on the internet at www.lni.wa.gov. The contractor registration section and electrical program charge separate fees for copies of material from a contractor's or an electrician's files. These fees are in WAC 296-200-900 and 296-46B-910.

[Statutory Authority: RCW 42.17.260 (7) and (8), 42.17.270, 42.17.280, 42.17.290, 42.17.300, 42.17.305, and 2005 c 483. 05-13-151, § 296-06-120, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-120, filed 3/9/90, effective 4/9/90. Statutory Authority: RCW 18.27.040, 42.17.290 and 42.17.300. 82-18-026 (Order 82-26), § 296-06-120, filed 8/25/82; Order 76-27, § 296-06-120, filed 9/28/76; Order 73-12, § 296-06-120, filed 7/31/73.]

WAC 296-06-130 Denials of records requests. The public records officer and his or her designees have the power to deny a request for public records. Denials must include:

- The reason for the denial.
- A statement of any exemption that authorizes the denial of the record.
- A brief explanation of how the exemption applies to the withheld record.
- The signature of the public records officer or their designee.

[Statutory Authority: RCW 42.17.260(1), 42.17.320, and 2005 c 483. 05-13-151, § 296-06-130, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-130, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-130, filed 9/28/76; Order 73-12, § 296-06-130, filed 7/31/73.]

WAC 296-06-140 Appeal of denial of requests. After a request for inspection or copying of public records is denied, the requestor may ask the department to review the denial. The request for review must:

- Be made in writing.
- Be sent to the public records officer or his/her designee after receiving the denial.
- Specifically refer to the denial.
- Contain a brief statement that gives reasons for reconsideration of the denial.

[Statutory Authority: RCW 42.17.290, 42.17.320, 42.17.325, and 2005 c 483. 05-13-151, § 296-06-140, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-140, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-140, filed 9/28/76; Order 73-12, § 296-06-140, filed 7/31/73.]

WAC 296-06-150 Protection of public records. The department will protect its public records from damage or disorganization. Public records requests will not be allowed to interfere with essential functions of the department.

All inspections of public records will be supervised by a department staff member. Staff members will not allow records to be inspected or copied by anyone who is intoxicated, violent, abusive, threatening, or otherwise disruptive. Anyone who displays these characteristics during a records inspection may have the inspection terminated by department staff.

Staff members who are supervising the inspection or copying of public records will make sure of the following:

- Records are not torn, mutilated, marked, or otherwise harmed by the requestor.
- Inspection and copying activities do not disrupt the department's operations.
- Full, prompt, and courteous assistance is provided to the requestor.

[Statutory Authority: RCW 42.17.290 and 2005 c 483. 05-13-151, § 296-06-150, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-07-004, § 296-06-150, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-150, filed 9/28/76; Order 73-12, § 296-06-150, filed 7/31/73.]

WAC 296-06-175 Records index. The department of labor and industries will maintain a current index as required by RCW 42.17.260. The index will consist of record types and/or descriptions, their locations, and availabilities. These records will be made available according to public disclosure

law. The agency records index is accessible online at www.lni.wa.gov. The index will be updated as needed. Copies of the index will be provided upon request by the public disclosure unit.

[Statutory Authority: RCW 42.17.260 (5), (6) and 2005 c 483. 05-13-151, § 296-06-175, filed 6/21/05, effective 7/22/05.]

Chapter 296-16 WAC

EMPLOYER—WORKER REEMPLOYMENT INCENTIVES

WAC

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| 296-16-112 | For purposes of the "preferred worker" program, who is the "employer of record"? |
| 296-16-135 | Will the department grant a worker "preferred worker" certification under multiple open claims at the same time? |

WAC 296-16-112 For purposes of the "preferred worker" program, who is the "employer of record"? When "preferred worker" certification is considered under a claim, the employer of record is any employer determined as responsible for all or part of that claim's costs in the department's final order establishing:

- (1) Claim allowance, for injury claims; and
- (2) Claim liability, for occupational disease claims.

[Statutory Authority: RCW 51.04.010, 51.04.020, and 51.16.120. 05-17-040, § 296-16-112, filed 8/9/05, effective 9/15/05.]

WAC 296-16-135 Will the department grant a worker "preferred worker" certification under multiple open claims at the same time? No. While a worker may have multiple open claims at the same time, the department will not grant the worker "preferred worker" certification under more than one of these claims at the same time.

(1) If the worker still has "preferred worker" certification time remaining from a previous claim, and also applies for "preferred worker" certification under a subsequent claim, the department will not grant the worker additional certification. In order to seek employment as a certified "preferred worker," the worker must use the certification time remaining from the previous claim.

(2) If the worker received "preferred worker" certification under a prior claim, and the thirty-six months of that certification has ended, the worker may be eligible for "preferred worker" certification under a subsequent or new open claim.

[Statutory Authority: RCW 51.04.010, 51.04.020, and 51.16.120. 05-17-040, § 296-16-135, filed 8/9/05, effective 9/15/05.]

Chapter 296-17 WAC

GENERAL REPORTING RULES, CLASSIFICATIONS, AUDIT AND RECORDKEEPING, RATES AND RATING SYSTEM FOR WASHINGTON WORKERS' COMPENSATION INSURANCE

WAC

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WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classification plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of this chapter (*chapter 296-17 WAC*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Account manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. An account manager is also referred to as an underwriter.

Actual hours worked: A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at 360-902-4817.

Example: A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.

All: When a classification contains a descriptive phrase beginning with "all" such as in "all employees," "all other employees," "all operations," or "all work to completion," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupations that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7100, 7101, and temporary help classifications 7104 through 7122. Classification descriptions contained in WAC 296-17-501 through 296-17-779, establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

But not limited to: When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "excludes" or "excluding" such as "excluding drivers or delivery," "excluding second hand appliance stores," or "excludes construction opera-

tions," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Governing classification: Is the basic classification assigned to a business that produces the largest number of worker hours during a calendar year (*twelve months*). The governing classification rule applies only to situations where a business has been assigned two or more basic classifications and is used for the sole purpose of determining what classification applies to employees and covered owners who support two or more operations. The governing classification rule is not to be used to determine the basic classification of a business.

Includes or including: When a classification contains a descriptive phrase beginning with "includes" or "including" such as "including clerical office," "including meter readers," or "includes new construction or extension of lines," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used, all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.

Or: Refer to the definition of the word "and."

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour

except as otherwise provided for by other rules in this manual.

Risk: All insured operations of one employer within the state of Washington.

Temporary help: The term "temporary help" means the same as temporary service contractors defined in (*Title 19 RCW*) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of an "account manager."

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (*Title 51 RCW*) of the state of Washington to insure the payment of benefits prescribed by such laws.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-31002, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.04.020 and 51.16.035, 04-18-025, § 296-17-31002, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120, 03-23-025, § 296-17-31002, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-31002, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifica-

tions to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: *You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.*

With this information we will estimate the premiums by classification.

Example: *We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).*

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: *We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.*

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: *From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.*

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction"

assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are cleaning a construction site where a wood frame building was erected, you would report their work time in classification 0510 "wood frame building construction." If your employees are cleaning a construction site where a nonwood frame building was erected, you would report their work time in classification 0518 "nonwood frame building construction." If your employees are cleaning other nonbuilding construction sites, you would report their work time in the same classification that applied to the construction work that generated the nonbuilding construction debris. For example, if you are doing site cleanup for a concrete contractor that was involved in pouring and finishing sidewalks and driveways, you would report the work time of your employees involved in this construction site clean-up project in classification 0217 "concrete flat-work."

(12) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site? We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site? Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification? No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-31013, filed 5/24/05, effective 7/1/05. Statutory Authority: 2004 c 243, RCW 51.04.020 and 51.16.035, 04-20-023, § 296-17-31013, filed 9/28/04, effective 11/1/04. Statutory Authority: RCW 51.04.020 and 51.16.035, 04-18-025, § 296-17-31013, filed 8/24/04, effective 10/1/04; 04-13-017, § 296-17-31013, filed 6/4/04, effective 7/5/04. Statutory Authority: RCW 51.16.035, 01-23-059, § 296-17-31013, filed 11/20/01, effective 1/1/02; 99-18-068, § 296-17-31013, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-31013, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31021 Units of exposure. (1) What is a "unit of exposure?"

A unit of exposure is the measure which is used to help determine the premium you will pay. For most businesses the unit of exposure is the *hours* worked by their employees. Because not all employees are compensated based on the hours they work, we have developed reporting alternatives to make reporting to us easier. Those alternatives are outlined in subsection (2) of this section. In other cases, the department may authorize some other method in assuming workers hours for premium calculation purposes.

(2) What are the alternatives to actual hours worked?

The exceptions are:

- **Apartment house managers, caretakers, domestic, home care or similar employees:** To determine the number of hours you need to report to us, divide an employee's total compensation, including housing and utility allowances, by the average hourly wage for the classification. The total number of work hours to be reported for each employee is not to exceed 520 hours per quarter. You will need to call us at (360) 902-4817 to obtain average hourly wage information.
- **Baseball, basketball, and soccer teams as defined in WAC 296-17-745 - including players, coaches, trainers, and officials:** Report each individual at 40 hours per week for each week in which they have duties.
- **Commission employees - outside (such as, but not limited to, real estate and insurance sales):** You must select one of the following methods to report your commission employees - outside:
 - Actual hours worked; or
 - Assumed hours of eight hours per day for part-time employees or one hundred-sixty hours per month for full-time employees.
 All outside commission employees of an employer must be reported by the same method. You cannot report some outside commission employees based on the actual hours they work and others using the eight hours per day for part-time employees or one hundred-sixty hours per month for full-time employees method.
- **Drywall - stocking, installation, scrapping, taping, and texturing:** Premiums are based on material

installed/finished rather than the hours it took to install/finish the drywall.

- **Horse racing - excluding jockeys:** Employers in the horse racing industry pay premiums based on a type of license their employees hold rather than the hours the employees work. Premiums are collected by the Washington horse racing commission at the time of licensing.
- **Jockeys:** Report ten hours for each race/mount or for any day in which duties are reported.
- **Pilots and flight crew members:** Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: Provided, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: Provided further, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.
- **Race car drivers:** Report ten hours for each race/heat.
- **Salaried employees:** You must select one of the following methods to report your salaried employees:
 - Actual hours worked; or
 - Assumed hours of one hundred-sixty hours per month.

All salaried employees of an employer must be reported by the same method. You cannot report some salaried employees based on the actual hours they work and others using the one hundred sixty hours per month method. Provided further, as in the case of contract personnel employed by schools and/or school districts, the school or school district shall report actual hours worked for each employee, one hundred sixty hours per month for each employee, or the department *may* authorize some other method in assuming workers hours for premium calculation purposes.

(3) Can I use assumed work hours for piece workers?

No, if you employ piece workers you must report the actual hours these individuals work for you unless another unit of exposure is required.

Example: *If you have employees engaged in drywall work you would report and pay premiums on the basis of the square footage of the material they installed not the hours they worked.*

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-31021, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120, 03-23-025, § 296-17-31021, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020, 00-14-052, § 296-17-31021, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035, 99-18-068, § 296-17-31021, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-31021, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31024 Classification premium rates.

(1) How do you determine what rate to charge me?

Each classification has corresponding base rates. The base rates assigned to your business will depend on the basic classification(s) assigned to your business.

(2) What do you mean by a base rate?

The base rate is a comparison of losses (*claims*) and exposure to produce a cost per unit of exposure. The base rate is an unmodified rate that all employers with an experience factor of 1.000 will pay in a specific classification.

(3) Do all employers in the same classification pay the base rate?

In practice, only a few employers pay the *base rate*. Most employers pay rates that are adjusted to take into account the employer's claims and premium reporting experience. We refer to those modified rates as *experience rates*. Your experience rate can be higher or lower than the *base rate*. This means that employers with fewer than expected losses will pay less than employers in the same classification who have more than expected losses. Experience rating encourages strong safety and accident prevention programs. Details of how experience rating affects your premium are found in *WAC 296-17-850 through 296-17-890*. Your account manager can also answer questions about your individual experience factor. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-31024, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.04.020 and 51.16.035, 04-18-025, § 296-17-31024, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-31024, filed 8/28/98, effective 10/1/98.]

WAC 296-17-35203 Special reporting instruction. (1)

Professional and semiprofessional athletic teams. Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: Provided, That a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(5).

The following rules shall apply to the written agreement:

(a) Agreement must be in writing and signed by the employer and the individual athlete.

(b) Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

(c) The state agreed upon accepts responsibility for providing coverage and acknowledges such to the department by certified mail.

(d) Agreement and certification by the other state must be received by this department's underwriting section prior to any injury incurred by the athlete.

(e) Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium

and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the state of Washington and who participate in sporting events with Washington-domiciled teams are not subject to Washington industrial insurance for their team members while in this state. These out-of-state teams are not considered employers subject to Title 51 on the basis that they are not conducting a business within this state.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) **Insurance liability.** Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) **Reporting.** Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in

their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) **Exclusions.** Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) **Definitions.** For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51

RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.-030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

- (i) The name of each worker;
- (ii) The Social Security number of each worker;
- (iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;
- (iv) The basis upon which wages are paid to each worker;
- (v) The number of units earned or produced for each worker paid on a piece-work basis;
- (vi) The risk classification(s) applicable to each worker;
- (vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(I) The employers' unified business identification account number (UBI).

(II) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(III) The total contract award.

(IV) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(V) Physical location/site where the work will be performed including legal description.

(VI) Number of acres covered by the contract.

(VII) Dates during which the work will be performed.

(VIII) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The entity that awarded the contract can verify the status of the

contractors' account online at the department's web site (www.lni.wa.gov) or by calling the account manager. The landowner, firm, or contractor will not be released from premium liability until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(I) The name of the contractor who has been engaged to perform the work;

(II) The contractor's UBI number;

(III) The contractor's farm labor contractor number;

(IV) The total contract award;

(V) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;

(VI) Location where the work is to be performed;

(VII) A contact name and phone number of the person, firm, or corporation who let the contract;

(VIII) The total estimated wages to be paid by the contractor and any subcontractors;

(IX) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(X) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Reforestation Team 8
P.O. Box 44168
Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) Logging and/or tree thinning—Mechanized operations—Industry rule. The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mecha-

nized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) Special drywall industry rule.

(a) What is the unit of exposure for drywall reporting? Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of double-board application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

(b) I do some of the work myself. Can I deduct material I as an owner install or finish? Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

$$\text{Total owners hours} \div (\text{owners hours} + \text{workers hours}) = \text{\% of owner discount.}$$

$$\text{\% of owner discount} \times (\text{total footage of job} - \text{subcontracted footage, if any}) = \text{Total owner deduction of footage.}$$

(c) Can I deduct material installed or finished by subcontractors? You may deduct material installed or taped by subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or loca-

tion the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

(d) I understand there are discounted rates available for the drywall industry. How do I qualify for them? To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management, the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) Can I be disqualified from using the discounted rates? Yes. You can be disqualified from using the discounted rates for three years if you:

(i) Do not file all reports, including supplemental reports, when due;

(ii) Do not pay premiums on time;

(iii) Underreport the amount of premium due; or

(iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (thirty-six months) from the period of last noncompliance.

(f) If I discover I have made an error in reporting or paying premium, what should I do? If you discover you have made a mistake in reporting or paying premium, you should contact the department and correct the mistake. Firms not being audited by the department who find errors in their reporting and paying premiums, and who voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-35203, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-35203, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073. 02-09-093, § 296-17-35203, filed 4/17/02, effective 7/1/02. Statutory Authority: RCW 51.16.035. 01-23-059, § 296-17-35203, filed 11/20/01, effective 1/1/02; 99-18-068, § 296-17-35203, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-35203, filed 8/28/98, effective 10/1/98.]

WAC 296-17-503 Classification 0103.

0103-09 Drilling or blasting: N.O.C.

Applies to contractors engaged in drilling operations for others not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, well drilling for oil, gas or water; exploratory well drilling; and drilling of holes in rock for shot holes. Such drilling generally contemplates the digging of a hole using a rotating or pounding type tool. Equipment used by drilling contractors includes earth auger drills, jackhammers, drilling rigs, and bits which will vary in size depending upon the terrain or material to be drilled and the depth and size of holes to be drilled. This classification also includes blasting operations not covered by another classification (such as the blasting of rock in connection with highway, street or road construction).

This classification excludes drilling operations performed in connection with concrete or building construction which is to be reported separately in the construction classification applicable for the work being performed; drilling done in connection with all types of underground or surface mining and quarry operations which is to be reported separately in the applicable mining classification; and blasting performed as part of building demolition which is to be reported separately in classification 0518.

0103-10 Geophysical exploration: Seismic detection of the mechanical properties of the earth

Applies to establishments engaged in geophysical exploration, by seismic detection, of the earth's subsurface. Work contemplated by this classification involves a seismograph work crew consisting of a party chief, a permit person, a surveyor, drillers, shooters, observers and a computer analyst. The seismic method utilizes a dynamite blast that simulates a miniature earthquake. The recorder of the vibrations is the sensitive earthquake detector which records the intense vibrations on a rapidly moving tape. The data collected from the tapes and photographic records are interpreted and a contour

map of the rocks and their foundation to depths of several thousand feet is developed.

This classification excludes geophysical exploration without seismic detection which is to be reported separately in classification 1007.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-503, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-503, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-503, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-503, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-503, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-503, filed 11/30/83, effective 1/1/84; Order 74-40, § 296-17-503, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-503, filed 11/9/73, effective 1/1/74.]

WAC 296-17-517 Classification 0502.

0502-04 Carpet, vinyl, tile and other floor or counter top covering: Installation or removal

Applies to contractors engaged in the installation or removal of floor or counter top coverings such as, but not limited to, wall to wall carpet, vinyl, laminate, tile, or artificial turf in residential or commercial settings. Work contemplated by this classification includes, but is not limited to, the installation and/or removal of foam or rubber padding, floor coverings such as rugs or carpet, tack strips, door strips, sub-flooring (particle board or plywood), linoleum, vinyl, base board or door strips, and hauling existing floor covering debris away. This classification also includes the installation of clay or ceramic tiles on counter tops and backsplashes.

This classification excludes contractors engaged in the installation of counter tops as part of an interior finish carpentry or cabinetry contract which is to be reported separately in classification 0513; the installation of hardwood floors which is to be reported separately in classification 0513; the installation of decorative brick, slate, marble or granite which is to be reported separately in classification 0302; installation of roofing tiles which is to be reported separately in classification 0507; and floor covering stores which are to be reported separately in the applicable classification.

0502-99 Carpet, vinyl, tile and other floor or counter top covering: Installation or removal (only to be assigned by the floor covering specialist)

Applies to floor covering contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" status for prime contractor liability.

Special note: Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-517, filed 11/22/05, effective 1/1/06. Statutory Authority: 2004 c 243, RCW 51.04.020 and 51.16.035. 04-20-023, § 296-17-517, filed 9/28/04, effective 11/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-517, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-517, filed 5/31/96, effective 7/1/96; 87-24-060 (Order 87-26), § 296-17-517, filed 12/1/87, effective 1/1/88; 85-24-032 (Order 85-33), § 296-17-517, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-517, filed 11/30/83, effective 1/1/84; Order 75-38, § 296-17-517, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-517, filed 11/9/73, effective 1/1/74.]

WAC 296-17-52106 Classification 0514.**0514-00 Garage or overhead door: Installation, service or repair**

Applies to contractors engaged in the installation, service or repair of garage or overhead doors made of wood or metal. As part of a new construction project, the installation usually occurs before the building or structure is painted. Garage or overhead door installation can also occur as a replacement to an existing door or as an alteration or addition to a building or structure. The process involves installing door tracks on both sides of the doorway, inserting the door, which usually consists of panels or sections, into the tracks, and attaching panels or sections to one another. This classification also includes the installation of automatic door openers when performed as a part of the garage or overhead door installation contract, and by the same contractor installing the doors.

This classification excludes the installation, service or repair of commercial automatic door openers when it is not performed as a part of the garage or overhead door installation contract which is to be reported separately in classification 0603; the installation, service or repair of residential automatic door openers when it is not performed as a part of the garage or overhead door installation contract which is to be reported separately in classification 0607; the installation of exterior glass doors and door frames such as nonautomatic and automatic opening doors at retail establishments or commercial buildings which are to be reported separately in classification 0511; the installation of interior or exterior doors and door frames when performed by a framing contractor as part of framing a wood frame building which is to be reported separately in classification 0510; the installation of interior doors and door frames which is to be reported separately in classification 0513; the installation of wood, fiberglass or metal exterior doors as part of a nonwood frame building when performed by employees of the general contractor which is to be reported separately in classification 0518; and the repair or replacement of wood, fiberglass or metal doors on an existing building which is to be reported separately in classification 0516.

0514-01 Nonstructural additions to buildings or structures: Installation, removal, alteration, and/or repair

Applies to contractors engaged in the installation, removal, alteration, and/or repair of nonstructural additions to buildings or structures. Nonstructural metal additions include, but are not limited to, fire escapes, staircases, balconies, railings, roll down shutters, window or door lintels, protective window or door gratings, bank cages, decorative elevator entrances or doors, permanent stadium seating, and wall facades and facings. Generally, the process involves bolting, screwing, riveting, or welding these additions to the interior or exterior of buildings or structures. Contractors who operate a shop to prefabricate the additions are to be assigned the classification applicable for the shop manufacturing work being performed. When a contractor's business is assigned a manufacturing classification for shop operations, classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair of equipment.

This classification excludes sheet metal installation such as siding, gutters and downspouts, and nonstructural sheet metal patio covers/carports which are to be reported separately in classification 0519; the installation, repair or dismantling of portable bleachers or stages which is to be reported separately in classification 0603; and the erection of commercial metal carports, service station canopies, and structural iron or steel work as part of a building or structure which is to be reported separately in classification 0518.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-52106, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035, 51.04.020, 00-14-052, § 296-17-52106, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035, 99-18-068, § 296-17-52106, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-52106, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035, 89-24-051 (Order 89-22), § 296-17-52106, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035, 88-12-050 (Order 88-06), § 296-17-52106, filed 5/31/88, effective 7/1/88.]

WAC 296-17-524 Classification 0603.**0603-00 Machinery: Installation, service and/or repair, N.O.C.; Millwright work, N.O.C.**

Applies to contractors engaged in the installation, service and/or repair of heavy machinery or equipment at a customer's location which is not covered by another classification (N.O.C.). Millwright work and the service or repair of engines and gas machines is also included. A millwright is a technician who specializes in installing and repairing industrial machinery. Typical customers include, but are not limited to, wood, metal and plastic manufacturing plants, fuel refineries, and mills. Types of machinery installed and repaired includes, but is not limited to, escalators, conveyor systems, printing presses, lathes, mill saws, dairy equipment and wind machines. (Store operations of dairy equipment/supply dealers or wind machine dealers are to be reported separately in classification 6407.) Work contemplated by this classification includes, but is not limited to, the pouring of a concrete pad on which the machinery will be installed, cutting and welding of brackets and mountings, assembling component parts, any incidental electrical connections needed to complete the installation, and calibrating the controls and testing the machinery's operation when done by employees of an employer having operations subject to this classification. Placement of heavy machinery must often be done with cranes or by rigging hoists. This classification also includes the dismantling and removal of machinery and equipment covered by this classification.

0603-05 Dynamos, electrical generators and turbines: Installation, service and/or repair

Applies to contractors engaged in the installation, service and/or repair of dynamos, electrical generators and turbines at a customer's location. A dynamo is a generator of direct electrical current; a turbine is a mechanism that converts moving fluid into mechanical power. Customers include, but are not limited to, electrical utilities, manufacturing plants, mills, and telecommunications companies. Work contemplated by this classification includes, but is not limited to, preparation of a concrete pad on which the machinery will be installed, cutting and welding of brackets and mountings, assembly of component parts if necessary, any incidental electrical connections needed to complete the installation,

and calibrating and testing the machinery's operation when done by employees of an employer having operations subject to this classification. Placement of heavy machinery must often be done with cranes or by rigging hoists. Also included is the dismantling and removal of dynamos, generators and turbines.

This classification excludes the installation of underground overhead power lines and poles by an electric utility company which is to be reported separately in classification 1301; the installation of overhead power lines by a nonelectric utility contractor which is to be reported separately in classification 0509; and the installation of underground power lines by a nonelectric utility contractor which is to be reported separately in classification 0107.

0603-07 Industrial plant maintenance by contractor

Applies to contractors engaged in maintaining, repairing and installing machinery on a long-term contract basis for customers at the customers' location. Customers include, but are not limited to, manufacturing or chemical plants, petroleum refineries, food processing plants and mills. Work contemplated by this classification includes all routine maintenance and repair of a customer's equipment such as, but not limited to, cleaning, oiling and regularly scheduled maintenance and replacement of machinery or machinery parts, equipment and other mechanical installations that are part of the customer's building when done by employees of an employer having operations subject to this classification.

0603-08 Metal playground equipment, portable bleachers or stages, above ground swimming pools: Installation, dismantling, and/or repair

Applies to contractors engaged in the installation, dismantling, and/or repair of metal playground equipment, portable bleachers or stages, and above ground swimming pools. Playground equipment includes, but is not limited to, swings, monkey bars, merry-go-rounds, and slides. Work contemplated by this classification includes all operations necessary for the erection of metal playground equipment including, but not limited to, boring holes in the ground (usually with an auger) into which the various pieces of equipment will be set in concrete, any incidental cutting, welding, drilling and bolting of the tubular steel components which are usually from one to four inches in diameter, and fastening on the chains, swings, handlebars, sliding surface, platforms, bench seats, or other components. This classification also includes the application of any finish material or paint when done by employees of an employer having operations subject to this classification.

This classification excludes the installation of wood playground equipment which is to be reported separately in classification 0516.

0603-09 Commercial equipment: Installation, dismantling, service, and/or repair

Applies to contractors engaged in the installation, dismantling, service, and/or repair of commercial equipment such as, but not limited to, commercial dishwashing units, bakery and restaurant ovens, stoves, grills, sanitizers, steam tables, car washing equipment, commercial laundry equipment, electric entry doors, dry cleaning equipment, gas pumps, or parimutuel totalizer equipment at horse racing

facilities. Work contemplated by this classification includes, but is not limited to, placing and leveling the equipment, any assembly of component parts if necessary, connecting or bolting to the wall or floor, making any necessary incidental plumbing or electrical connections, and calibrating and testing the equipment when done by employees of an employer having operations subject to this classification. Some pieces of equipment in this classification may be large enough that they must be moved and positioned with hoists or cranes. Also included is the dismantling and removal of commercial equipment.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-524, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-524, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-524, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035, 94-12-063, § 296-17-524, filed 5/30/94, effective 6/30/94; 93-12-093, § 296-17-524, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035, 85-24-032 (Order 85-33), § 296-17-524, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-524, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-524, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-524, filed 11/29/82, effective 1/1/83; Order 75-38, § 296-17-524, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-524, filed 11/9/73, effective 1/1/74.]

WAC 296-17-526 Classification 0606.

0606-01 Vending, coin-, or token-operated machines: Installation service and/or repair

Applies to establishments engaged in the installation, service and/or repair of vending, coin- or token-operated machines. Operations contemplated by this classification include, but are not limited to, delivering machines to desired location, unloading and setting up machines, servicing machines, collecting money, repairing machines, and restocking product into machines. Coin-operated machines include pay telephone booths, weight machines, juke boxes, change makers, pull tabs, slot machines, and similar gaming devices. Vending machine products include, but are not limited to, soft drinks, candies, sandwiches, stamps, cigarettes, frozen desserts, coffee, and personal hygiene products. This classification also includes the preparation of products such as, but not limited to, salads, sandwiches, cookies, and desserts, and honor snack food services when performed by employees of an employer subject to this classification.

This classification excludes honor snack services operated independently from, and not in connection with, coin-operated vending machine services which are to be reported separately in classification 1101; and the installation of parking meter units which is to be reported separately in classification 0105.

0606-02 Fire extinguisher and fire safety equipment: Sales and service

Applies to establishments engaged in the sales and servicing of fire extinguishers and related safety equipment. Operations contemplated by this classification include, but are not limited to, retail and wholesale store operations, field testing services, recharging services, and related safety training. Establishments subject to this classification routinely sell a variety of home and commercial type fire extinguishers, protective clothing, gloves, and hats, specialty shoes, smoke and fire alarms, and first-aid kits. Fire extinguisher sales and service companies may also carry other safety items such as traffic cones, construction and speed signs.

0606-03 Money collecting service of coin-operated and vending machines

Applies to establishments engaged in the removal and/or replacement of money into coin-operated machines. Operations contemplated by this classification are limited to the collection and replenishing of coins in coin-operated or vending machines. This classification also applies to replenishing currency in automated teller machines (cash machines) and removal of coins from parking meters and pay telephones.

This classification excludes the servicing of machines, placement of products into machines for sale, installation of machines, or any product preparation, which is to be reported separately in the applicable classification; installation of free standing automated teller machines which is to be reported separately in classification 0607; establishments engaged in the construction of structures which house automated teller machines, such as those found in parking lots of shopping centers, which are to be reported separately in the applicable construction classifications.

0606-12 Coin- or token-operated amusement devices in stores or shopping malls, N.O.C.: Installation, removal, service and/or repair

Applies to establishments engaged in the placement and servicing of coin- or token-operated amusement devices, not covered by another classification (N.O.C.), within stores and shopping malls for use by the general public. Operations contemplated by this classification include, but are not limited to, the installation, service, repair, or removal of the devices, such as, but not limited to, video games, pinball machines, carousels and small amusement rides for children. Establishments subject to this classification generally are not involved in the operations of arcades or amusement rides. If an establishment subject to this classification also operates a video or amusement arcade, such operations may be reported separately in classification 6406 provided all the conditions of the general reporting rules covering the operation of a secondary business have been met.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-526, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-526, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-526, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035, 93-12-093, § 296-17-526, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035, 87-12-032 (Order 87-12), § 296-17-526, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-526, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-526, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-526, filed 11/9/73, effective 1/1/74.]

WAC 296-17-527 Classification 0607.**0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances**

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances. Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop

operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The *servicing* of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

Special note: Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primarily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks, vans, ladders, and small power and/or hand tools.

This classification excludes specialty contractors who install, remove, service or repair antennas, dish units, and/or other transmitting/receiving apparatus to a structure covered by classification 0508, who are to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

0607-17 Safes or vaults: Installation, removal, service and/or repair.

Lock sets and/or dead bolt locks: New installation

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults are found in businesses such as, but not limited to, banks,

jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

New installation of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith also applies to this classification. The term new installation applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

0607-18 Window/door blinds, shades, curtains and drapes: Installation

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

Special note: Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows.

This classification also applies to establishments engaged in providing merchandising services, not covered by another classification, (N.O.C.), without the responsibility of delivering products to the customer's place of business. Merchandising services contemplated by this classification include, but are not limited to, taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves, and/or assembling temporary displays.

This classification excludes employees of store operations engaged in setting up displays who are to be reported separately in the applicable store classification as this is a common store activity, and merchandising establishments or employees who deliver products to their customer's place of business, and may also perform related merchandising functions, who are to be reported separately in classification 1101.

0607-21 Meat slicer or grinder: Installation, service and/or repair

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

Special note: Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

0607-22 Protective bumpers: Installation

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-12-031, § 296-17-527, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.04.020 and 51.16.035. 04-18-025, § 296-17-527, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-527, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-527, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-527, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-527, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-527, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-527, filed 5/29/87,

effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-527, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-527, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-527, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-527, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-527, filed 11/9/73, effective 1/1/74.]

WAC 296-17-53504 Classification 1007.

1007-08 Geophysical exploration, N.O.C.

Applies to contractors engaged in geophysical exploration, with no core drilling, and without seismic detection, who are not covered by another classification (N.O.C.). The more common methods of geophysical exploration are gravitational, electric and magnetic. In the gravitational method, delicate pendulums and torsion balances capable of detecting differences in the gravitational pull of the earth at various places enable the geologist to tell where oil is likely to be found. There are two electrical methods, resistivity and inductive. In the resistivity method, measurements are taken on an ohmmeter, which indicate the resistivity of the subsurface. The inductive method is somewhat comparable, but instead of determining the resistivity of the subsurface formations, the conductivity is measured enabling the geologist to determine the character of the subsurface being studied. The magnetic method is accomplished by means of a highly developed form of magnetic dipping needle with a telescope magnifier. The magnetic attraction exerted by magnetic rocks and formations causes the needle to deflect from its horizontal plane, thereby enabling a geologist to develop contour maps with lines of equal magnetic attraction. This classification includes prospectors who may specialize in particular instrumentation such as electrical, gravity, magnetic or seismic. The prospector studies structure of subsurface rock formations to locate petroleum deposits; conducts research using geophysical instruments such as seismograph, gravimeter, torsion balance, and magnetometer, pendulum devices, and electrical resistivity apparatus to measure characteristics of the earth; computes variations in physical forces existing at different locations and interprets data to reveal subsurface structures likely to contain petroleum deposits; and determines desirable locations for drilling operations. This classification includes prospecting for mineral ores and the testing of soil for percolation when performed by employees of an employer subject to this classification.

This classification excludes core drilling and seismic geophysical exploration which are to be reported separately in classification 0103, and geophysical crews employed by oil companies who are to be reported in the classification applicable to the business.

Special note: When assigning classifications 1007-08, 4901-16 - Geologists, and 0103-10 - Seismic geophysical exploration, care must be taken to look beyond the word "geologist" to determine the actual nature of the activities being performed.

1007-09 Testing and inspecting of pipelines using radiographic or X-ray analysis process by contractor at industrial plants or construction sites

Applies to establishments engaged in the testing or inspecting of pipelines or conduits for others, provided the testing or inspecting is not performed in conjunction with the construction of the pipeline. This classification includes test-

ing or inspecting involving radiographic or X-ray analysis processes such as the X raying of containers, inspecting of utility lines, and the drawing of oil samples on-site when performed by employees of an employer subject to this classification. Classification 1007-09 is assigned primarily to field activities.

This classification excludes testing or inspecting done in conjunction with construction which is to be reported separately in the appropriate construction classification.

1007-15 Inspection and grading bureaus, N.O.C.; log scaling and grading bureaus; lumber inspection services; weigh scale attendants, N.O.C.; weather stations; rain-making - no aircraft

Applies to establishments operating as *inspection and grading bureaus*, not covered by another classification (N.O.C.), including, but not limited to, those involved in inspecting and grading commodities such as logs, lumber, shingles, shakes, poles, and railroad ties. The commodity is examined and stamped with a grademark which indicates the grade, species, producer's name or number and other pertinent data. A certificate of inspection may be issued in lieu of a grademark. The purpose of the inspection is to grade, tally, and stamp only those products which meet certain required specifications and to cull those products which do not meet the established standards. *Log scaling and grading bureaus* measure the logs, and by applying log rule formulas, determine the net yield, usually expressed in board feet. A scale ticket containing descriptive data is attached to the end of the log. This classification also applies to *weigh scale attendants* not covered by another classification (N.O.C.), when the service is available to the general public, otherwise the weigh scale attendants are to be included in the basic classification of the business. This classification includes establishments engaged exclusively in such services as auto emission control testing, air flow balancing and testing, the balancing and testing of heating, ventilating and air conditioning systems, hydrostatic testing of such objects as boilers, tanks, pipes and fittings using compressed air or water pressure to detect leaks, the strength testing of building material such as, but not limited to, asphalt, concrete and steel; and the testing or inspecting of steel weldments. This classification also includes *weather stations* which observe and record weather conditions for use in forecasting, and which read weather instruments, including thermometers, barometers, and hygrometers to ascertain elements such as temperature, barometric pressure, humidity, wind velocity, and precipitation. Weather data is transmitted and received also from other stations. A fully automated (computerized) weather station can be reported under classification 4904. This classification also covers rainmaking without the use of aircraft.

Special note: Classification 1007, classification 5001, and classification 5004, shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-16 Foresters (to be assigned only by reforestation underwriter)

Applies to foresters engaged in forest management. Foresters may plan and direct forestation or reforestation

projects, map forest areas, estimate standing timber and future growth, or manage timber sales. Foresters also may plan cutting programs to assure continuous production of timber, and determine methods of cutting and removing timber with a minimum of waste and environmental damage. They may plan and design forest fire suppression and fire-prevention programs, plan and design construction of fire towers, trails, roads and fire breaks and may also plan and design projects for control of floods, soil erosion, tree diseases, and insect pests in forests. Foresters may specialize in one aspect of forest management.

This classification excludes manual labor or direct supervision of manual labor.

1007-18 Foresters and timber cruisers - scientific tree, forestry, and watershed studies (to be assigned only by reforestation underwriter)

Applies to establishments engaged in scientific tree studies for others. Scientific tree studies are research oriented; random sample plots are measured and data such as the size of trees, species, disease and insect or animal damage, and seedling mortality, are recorded. Plots are maintained where each tree is tagged, its genealogy recorded, and growth statistics entered. A scion (a detached living shoot or twig) may be grafted onto a root stock and detailed records maintained of its genealogy and growth. Other data, such as fertilizers used, also may be maintained. These test plots are sometimes referred to as progeny plots or progeny studies. This classification includes scientific studies of watersheds or watershed restoration which involves the evaluation of slopes, road systems, streams and the entire ecosystem (an ecological community with its physical environment, regarded as a unit). This classification also includes precommercial thinning layouts or pruning inspections to determine if an area is ready for thinning or pruning.

This classification excludes manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-19 Timber cruisers (to be assigned only by reforestation underwriter)

Applies to timber cruisers engaged in cruising timber land to estimate the volume and quality of a timber stand through an on-site visual inspection. A timber cruiser collects data concerning forest conditions for appraisal, sales, administration, logging, land use, and forest management planning. A forest area is traversed on foot in an established pattern and sampling techniques applied. The height and diameter of each tree in a test site is recorded as are defects such as rot and bends, to estimate the useable wood in each tree. From the data collected a summary report is prepared giving the timber types, sizes, condition and outstanding features of an area, such as existing roads, streams, and communication facilities. Trees may be marked with spray paint to denote trail, boundary, or for cutting.

This classification excludes manual labor or direct supervision of manual labor.

1007-20 Foresters and timber cruisers - tree auditing (to be assigned only by reforestation underwriter)

Applies to establishments engaged in tree auditing for others. This service is generally associated with new plantations and is the process of evaluating the quality and the rate of planting of new trees, as well as surveying newly planted sites on a periodic schedule to determine the survival rate.

This classification excludes tree auditing services when planting is in process, which is to be reported separately in classification 5004, and manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-21 Environmental and ecological surveyor services, N.O.C.

Applies to establishments engaged in providing environmental and ecological surveying services not covered by another classification (N.O.C.) for others. Environmental or ecological surveying firms typically serve as consultants to industrial or commercial enterprises, governmental agencies or private citizens. Environmental engineer is a term applied to engineering personnel who apply knowledge of chemical, civil, mechanical, or other engineering disciplines to preserve the quality of life by correcting and improving various areas of environmental concern, such as air, soil, or water pollution. Services include identifying and projecting potential environmental impact resulting from proposed projects, assessing the source, severity and extent of environmental damage resulting from human or natural causes, and recommending solutions to protect or regain the natural balance between organisms and their environment. Activities of environmental surveying/consulting establishments include, but are not limited to, locating archaeological sites for preservation, researching and collecting field data on birds and insects, preparing impact statement for landowners and developers, stream and fish monitoring, botanical surveys, wetland surveys, soil and ground water testing for contamination, air monitoring including industrial hygiene services, monitoring and testing at hazardous waste sites, providing advice on pollution control at its source, and developing a plan for cleaning up already recognized problems such as waste disposal sites, radon or asbestos contamination. Other services provided may include helping clients develop a system for complying with various governmental regulations. This classification includes employees of the environmental surveying service who conduct field work as well as those who are assigned to act as project managers or project superintendents to oversee the work of remediation contractors.

This classification excludes all types of remediation work which is to be reported separately in the classification applicable to the type of remediation work being performed, and surveyors employed by construction companies or other types of businesses who are to be reported separately in the applicable classifications.

Special note: When assigning classifications 1007 or 4901, care must be taken to look beyond the words "consult-

ing" or "engineering" to determine the actual nature of the activities being performed.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-53504, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-53504, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-063, § 296-17-53504, filed 5/30/94, effective 6/30/94; 93-12-093, § 296-17-53504, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-53504, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-53504, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-53504, filed 11/29/82, effective 1/1/83.]

WAC 296-17-538 Classification 1103.

1103-00 Coal and solid fuel dealers - yard operations

Applies to establishments engaged in the sale and delivery of coal, pressed wood fiber logs (fire logs), wood stove pellets, wood chips, and sawdust. Operations contemplated by this classification include all related store, yard and delivery operations when conducted by employees of employers having operations subject to this classification.

This classification excludes all manufacturing operations which are to be reported separately in the classification applicable to the material and process used, and all mining operations which are to be reported separately in the applicable classification.

1103-02 Firewood dealers - yard operations

Applies to establishments engaged in the sale of firewood. This classification is limited to establishments operating a firewood sales lot where customers either pick up firewood or the dealer will make deliveries from. Operations contemplated by this classification are limited to yard and delivery operations.

This classification excludes firewood cutting operations conducted in timber or forest lands and firewood sales lots conducted from a logging landing which are both to be reported separately in the applicable logging classification.

Special note: Establishments subject to this classification may purchase pre-cut firewood from other nonrelated businesses or may have a cutting crew. The only cutting operations allowed in classification 1103 are those conducted in the sales lot.

1103-04 Composting

Applies to establishments engaged in composting yard waste or other materials. Depending on the type of yard waste accepted, grinders may be used to reduce the size of the material for faster composting. Once the material is an acceptable size for composting, it may be placed in static curing piles, turned periodically to aerate until it is adequately decomposed, then sometimes screened. Another method of curing is to place the waste material in long rows, called "windrows" which are turned periodically. Other establishments, either operated privately or by municipalities, may use processed and dewatered sludge which is mixed with other materials such as shredded yard waste, sawdust, or other wood waste. The mixture must be designed to have the right degree of moisture and air to maintain a temperature of between 130 and 160 degrees Fahrenheit. The end product, in either instance, is a "Class A" pathogen product, meaning it can be used in soil for raising vegetables and is referred to as "manufactured" soil. This classification includes delivery when

performed by employees of an employer having operations subject to this classification.

1103-06 Top soil, humus, peat and beauty bark dealers - yard operations

Applies to establishments engaged in the sale of soils, humus, peat, and beauty bark to others. Operations contemplated by this classification are limited to the receipt of soils, peat, humus, bark and compost in bulk and the subsequent load out of bark, soil and related organic matter into customer vehicles. This classification includes custom mixing soils, incidental sales of landscaping rock, sand, gravel, and crushed rock, and delivery when performed by employees of an employer subject to this classification.

This classification excludes contract delivery by non-dealer employees who are to be reported separately in classification 1102, and digging of soils/humus/peat/gravel or grinding of bark which are to be reported separately in the applicable classification.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-12-031, § 296-17-538, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-538, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-538, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-538, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-538, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-538, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-538, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-538, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-538, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-538, filed 11/9/73, effective 1/1/74.]

WAC 296-17-568 Classification 2903.

2903-00 Wood chip, hog fuel, bark, bark flour, fire log and lath: Manufacturing

Applies to establishments engaged in the production of products such as, but not limited to, wood chips, hog fuel, bark, bark flour, fire logs, kindling, excelsior, particleboard, and similar wood by-products.

Wood chips are small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;

Hog fuel is made by grinding waste wood in a hog machine, is larger and coarser than wood chips, and is used to fire boilers or furnaces, often at the mill or plant at which the fuel was processed;

Bark is the outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;

Bark flour is finely ground bark used as a filler or extender in adhesives;

Fire logs are made by forming sawdust into a log about 15 inches long and are used for fuel;

Lath is a narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;

Excelsior is the curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products;

Particleboard is a panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

The degree of manual labor required to make these products varies depending upon the size of the operation and sophistication of the equipment. Raw materials include, but are not limited to, logs, mill waste, bark, sawdust, or chips. Machinery includes, but is not limited to, rip saws, cut-off saws, loaders, debarkers, hog chippers, hammer mills, conveyors, sorting screens, and storage bunkers. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. The operation of portable chipping or debarking mills is included in this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-06 Wood furniture stock: Manufacturing

Applies to establishments engaged in the manufacture of wood furniture stock such as, but not limited to, tabletops, table or chair legs, chair backs or seats, panels for beds, turning squares (bolts of wood which are shaped on lathes into furniture legs) and furniture squares (standard sized - usually 2" x 2" -pieces of wood used in constructing frames of upholstered furniture). Stock may be mass produced or custom. Raw material includes dimensional lumber from hardwoods such as, but not limited to, ash or alder. If the lumber is not presurfaced, it is sanded and/or planed. It is cut to desired width and thickness with a rip saw; and cut to desired length with a cut-off saw. Pieces may be beveled with a table saw, bored with a horizontal boring machine, molded or shaped, and joints formed using a mortise, tenon or jointer. Finished stock is banded and/or palletized and usually shipped unfinished and unassembled to furniture manufacturing plants. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; manufacture of wood furniture and caskets which is to be reported separately in classification 2905; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-08 Wood door, jamb, window, sash, stair, molding and miscellaneous millwork: Manufacturing, prehanging or assembly

Applies to establishments engaged in the manufacture, prehanging or assembly of wooden doors, door components, jambs, windows, sashes, stairs, mantels, moldings, turnings, and miscellaneous millwork such as, but not limited to, shutters, door and window grilles, skylights, pillars, wainscot, and similar architectural ornaments. Doors manufactured in this classification may be for residential or commercial use, such as, but not limited to, garage, closet, warehouse, interior and exterior; they may be odd-size or standard, panel, solid, louver, hollow core, sliding, bifold and overhead. Component parts for stairs include, but are not limited to, risers, tread,

balusters, hand rails, and newel posts. Fireplace mantels include both the shelf and the complete ornamental facing surrounding the firebox. Moldings include, but are not limited to, picture moldings, chair rails, quarter round, coves, and architectural molding and base. Raw materials include, but are not limited to, cut stock lumber, plywood, veneer, particleboard, cardboard, plastic laminates, glue, hardware, glass, and metal. Cutting and fitting of glass and metal components for doors and windows is an integral phase of the manufacturing process and is included within the scope of this classification. Machinery includes, but is not limited to, various types of saws (table, panel, rip, cut-off, radial arm, trim, circular, band, jig, and miter), molders, shapers, routers, planers, finger jointers, mortises, tenons, lathes, presses, various types of sanders, drill presses, hand drills, boring machines, pneumatic nail, screw and staple guns, spray guns, chisels, air compressors, glue spreaders, drying ovens, overhead vacuum lifts, conveyor systems, fork lifts, and pallet jacks. Some door manufacturers have "door machines" which route impressions in jambs and blanks for hinge placement, and bores holes in the blank for knobs and locks; some have computerized overhead vacuum lights, electronic gluers, hydraulic lift pits, or electronically controlled saws. Prehanging doors involves boring holes in door blanks for knobs and locks, routing impressions into the blanks and jambs for hinge replacement, mounting hinges, trimming door and jamb replacements to exact size. Finishing the products with stain, paint, oil, or lacquer is included in this classification when done by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops, and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; the manufacture of metal doors, jambs, windows, and sashes which is to be reported separately in classification 3404; and sawmill operations which are to be reported separately in classification 1002.

Special note: Lumber yards and building materials centers subject to classification 2009 are to be assigned classification 2903-08 in addition to their basic classification if they prehang door blanks.

2903-10 Wood box, shook, pallet, bin: Manufacturing, assembly, or repair

Wood pallet dealer/recycle operations: Including repairs of pallets

Applies to establishments engaged in the manufacture, assembly, or repair of wood pallets, boxes, bins, shook, shipping crates, and storage containers. A shook is a set of unassembled sawn wood components for assembling a packing box or barrel. Shooks are usually sold to box assembly plants. Pallets may be constructed out of vertical and horizontal runners of dimensional lumber to form a slatted pallet or by

attaching three evenly spaced rows of wooden blocks between two sheets of solid plywood to form a lid-block pallet. Usually, the manufacturer subject to this classification picks up pallets, boxes or shipping crates from the customer, brings them to the plant for repair, reconditioning, or rebuilding, then returns them to the customer. However, the *assembly or repair* of bins is often done at the customer's location, which is still to be reported in classification 2903-10 when performed by employees of the bin manufacturer. Raw materials include, but are not limited to, dimensional lumber, plywood, nails, staples, screws, glue, and paint. Machinery includes, but is not limited to, a variety of saws (table, rip, radial arms, cut-off, band or trim), planers, molders, drills, boring machines, notchers, nailing machines, pneumatic stapler, screw and nail guns, conveyors, roll cases, sorting tables, pallet jacks, and fork lifts. Incoming lumber is cut to specified lengths, widths, and thicknesses with saws, then planed, bored, tongued, and grooved. Pieces are nailed, stapled or glued together to form finished products. Cut ends of pallets, bins, and boxes may be painted for design or for color identification purposes. Customer's name may be imprinted on the product using stencils and paint or wood burning tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002. Nonwood pallet/bin dealers are to be reported in the appropriate metal, fiberglass, or plastics classification.

2903-12 Wood products, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of miscellaneous wood products which are not covered by another classification (N.O.C.), including, but not limited to, ladders, utility pole crossarms, beams, barricades, cable spools, slugs or ends for paper rolls, attic vents, prefabricated wall panels, gazebos, saunas, solariums, lattice panels, mall and park furnishings, playground equipment, docks and floats, parade floats, boat trailer bunks, cattle feeders, tree spreaders, tack strip, exhibit booths, weaving looms, and pottery wheels. Finishing of the product with stains or other lacquers is included in this classification when done by employees of employers subject to this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, particleboard, lath, logs, glue, staples, screws, nails, stains, paints, oils, and lacquers. Operations require substantial amounts of machine work, as well as hand assembly. Machinery includes, but is not limited to, saws (table, panel, cut-off, band, jig, miter, or chain), sanders, planers, routers, shapers, molders, jointers, drill presses, boring machines, hydraulic presses, pneumatic nail, screw and staple guns. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manu-

facture of wood household and sporting goods which is to be reported separately in classification 2909; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-13 Veneer products: Manufacturing

Applies to establishments engaged in the manufacture of veneer products by laminating rough veneer to plywood or particleboard and applying plastic or polyester overlays. Laminated veneer sheets are generally sold to other manufacturers and used in the construction of items such as, but not limited to, cabinets, countertops, furniture, wall board, flooring, and shelving. Veneer products generally require no pre-finishing with paint, stain or lacquer. Raw materials include, but are not limited to, plywood, particleboard, polyester, paper, polyethylene, fiberglass, plastic laminates and glue. To make veneer products, sheets of rough veneer are individually fed through glue spreader machines which apply glue to both sides. Veneer sheets may be laminated to other veneer or to plywood or particleboard, cut to size with saws, then plastic or polyester overlays applied. Laminated sheets are fed through either hydraulic cold or hot presses to be bonded and cured. More sophisticated presses automatically feed the sheets through, and shear the laminated panels to standard 4' x 8' or 4' x 10' dimensions, or to specified lengths and widths for custom orders. Forklifts are used to move materials. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of household and sporting goods wooden ware which is to be reported separately in classification 2909; the manufacture of wood products not covered by another classification (N.O.C.) which is to be reported separately in classification 2903-12; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; the manufacture of rough veneer which is to be reported separately in classification 2904-00; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

2903-20 Wood sign: Manufacturing

Applies to establishments engaged in the manufacture of interior or exterior signs made of wood or wood products. Raw materials include, but are not limited to, dimensional lumber, plywood, molding, acrylic, paint, stain, lacquer and hardware. When additional sizing is required, saws, such as table, panel, cut-off, or radial arm, are used to cut material to desired dimensions. Pieces may be further sized, shaped, and smoothed with routers, saws, planers, or sanders. Stain, paint, or other finishes may be applied as background colors, bor-

ders or designs, with pneumatic spray guns, airbrushes, or by hand. Lettering or designs can be painted directly on the sign, cut from separate stock and glued or screwed on, or carved, routed or sandblasted. Computer-cut vinyl lettering may also be applied. Sign painting and lettering is included in this classification when done by employees of the sign manufacturer. Hand drills or drill presses are used to mount wood lettering or designs, bore holes and attach hardware used in the subsequent installation of the sign. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings which is to be reported separately in classification 4109; establishments that paint on or apply lettering to sign "backings" that are manufactured by others which is to be reported separately in classification 4109; the manufacture of metal or plastic signs which is to be reported separately in the classification applicable to the manufacturing process; and sawmill operations which are to be reported separately in classification 1002.

Special note: The majority of sign manufacturers also install their signs. Installation and removal of signs is to be reported separately.

2903-21 Wood truss: Manufacturing

Applies to establishments engaged in the manufacture of structural roof trusses, and/or ceiling and floor joists from wood or wood products. These products usually do not require a high degree of finishing work. Raw materials include, but are not limited to, dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8", which is kiln dried, machine stressed, and presurfaced), plywood, metal gussets, and hardware. Dimensional lumber is cut with gang, table, resaw, or radial arm saws. Cut stock is placed in a hydraulic jig assembly which holds the unassembled components in the properly aligned configuration. Pneumatic nailers are used to embed the nail clips which connect each joint of the truss. A gantry, which is an overhead crane traveling along a bridge-like frame, is used to relocate the truss along the assembly line. The assembled truss is placed in a stationary or moveable press which attaches reinforcing triangular shaped metal plates called gussets at each joint or angle. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all installation activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of door jambs, windows, sashes, stairs, molding and miscellaneous millwork which is to be reported separately in classification 2903-08; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

Special note: Truss manufacturers, whose primary customers are building contractors and building supply dealers,

usually deliver their product. Delivery to the construction site often entails placing trusses onto the roof top, using boom lifts mounted on the delivery truck, which is included in this classification when performed by employees of employers subject to this classification.

2903-26 Lumber: Remanufacturing

Applies to establishments engaged in lumber remanufacturing, which is the process of converting cants, plywood, or lumber into a more specialized or higher grade product. Cants are large slabs of wood, usually having one or more rounded edges, which have been cut from logs. The incoming stock is generally green, rough-cut, and may be owned by the customer or by the remanufacturer. Machinery includes, but is not limited to, a variety of saws, (chop, resaw, trim, rip, table, radial arm, and cut-off), planers, surfacers, sanders, molders, groovers, finger jointers, tenoners, gluers, kiln dryers, fork lifts, and trolley cars. Stock is kiln dried, resawed, planed, grooved, or otherwise treated, according to customer specification if the customer owns it, or to standard cuts if it is for resale. Remanufacturers sell lumber to construction contractors or manufacturers that use it in the construction of products such as, but not limited to, paneling, countertops, framing studs, siding, decking, fencing, railroad ties, or molding. Remanufacturers generally do not finish the material with stain, paint, or lacquer. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of roof trusses and ceiling and floor joints which is to be reported separately in classification 2903-21; veneer manufacturing which is to be reported separately in classification 2904; establishments that exclusively kiln dry and/or treat lumber with preservatives, fire retardants, or insecticides, and that do not perform any remanufacturing operations which are to be reported separately in classification 1003; and sawmill operations which are to be reported separately in classification 1002.

2903-27 Ridge cap and/or shim: Manufacturing

Applies to establishments engaged in the production of shims and ridge caps. Shims are thin wedges of wood used for filling spaces or leveling. Ridge caps are shingles which are used as a covering for roof peaks. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: This classification must be assigned only by Classification Services after a field inspection of the business has been performed. If a classification must be assigned prior to the field inspection, assign classification 1005-02.

2903-28 Wood boat: Manufacturing, repair, or refinish

Applies to establishments engaged in manufacturing, repairing, or refinishing wooden boats. Raw materials include, but are not limited to, dimensional lumber, plywood, glue, staples, screws, nails, stains, paints, oils, and lacquers. Machinery includes, but is not limited to, band saws, lathes, drill presses, jointers, planers and sanders. Other than pleasure craft, very few wooden boats have been manufactured over the last 50 years. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the manufacture of fiberglass boats which is to be reported separately in classification 3511, and the manufacture of metal boats which is to be reported separately in the classification applicable to the materials used and work being performed.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-12-031, § 296-17-568, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-568, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-568, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-568, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-568, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-568, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-568, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-568, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-568, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-568, filed 11/30/81, effective 1/1/82; Order 76-36, § 296-17-568, filed 11/30/76; Order 75-38, § 296-17-568, filed 11/24/75, effective 1/1/76; Order 75-28, § 296-17-568, filed 8/29/75, effective 10/1/75; Order 73-22, § 296-17-568, filed 11/9/73, effective 1/1/74.]

WAC 296-17-58201 Classification 3405.**3405-02 Precision machined parts and products, N.O.C.: Manufacturing**

Applies to establishments engaged in the manufacture of parts and products not otherwise classified (N.O.C.) of various sizes and metal compositions which are primarily produced with computer numeric controlled machinery and equipment and are frequently used by aerospace, aircraft, automotive, medical, and scientific industries.

This classification excludes establishments engaged in the manufacture of hand tools, hardware, or similar parts or products, N.O.C. which are not produced with computer numeric controlled machinery and equipment. This classification excludes all foundry operations involving the preparation of castings, the pouring of metal, and shake out operations which are to be reported separately in classification 5103.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-12-031, § 296-17-58201, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-58201, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-58201, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-58201, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-58201, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-58201, filed 2/28/85, effective 4/1/85; 81-24-042 (Order 81-30), § 296-17-58201, filed 11/30/81, effective 1/1/82. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-58201, filed 11/27/78, effective 1/1/79.]

WAC 296-17-614 Classification 3901.**3901-00 Bakeries - retail**

Applies to establishments engaged in the baking of assorted goods such as, but not limited to, breads, cakes, pies, and pastries for retail sales. This classification includes "deli" sections in retail bakeries where bakery products, and items such as soups, salads, sandwiches and beverages, are available for on-premises consumption.

This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and specialty bake shops that produce single product lines such as cookies and donuts, which are to be reported separately in classification 3901-01.

3901-01 Bakeries - retail - specialty shops

Applies to establishments engaged in operating specialty bake shops where products are sold to retail customers. A specialty bake shop is an establishment that makes and sells a single product line such as cookies, donuts, pies, or bagels to customers for consumption on or away from the premises. This classification includes related sales of beverages.

This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and retail bakeries engaged in the baking of assorted goods such as breads, cakes, pies, and pastries, for retail sales which are to be reported separately in classification 3901-00.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-614, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-614, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-614, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-614, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-614, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-614, filed 11/30/79, effective 1/1/80; Order 73-22, § 296-17-614, filed 11/9/73, effective 1/1/74.]

WAC 296-17-646 Classification 4805.**4805-00 Nurseries, N.O.C.**

Applies to establishments not covered by another classification (N.O.C.) that are engaged in the propagation and/or care of trees, shrubs, plants, and flowers pending sales to others. Nurseries can be categorized into two general groups in that some nurseries are actively engaged in the propagation of trees, plants, and shrubs from seed, grafting or cuttings, while others simply buy stock from growers and resell to the public or to commercial customers. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, shrubs or plants, propagating trees, shrubs or plants, fertilizing, spraying, fumigating, watering and weeding plants, trees and shrubs, pruning trees and shrubs, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes incidental greenhouses which are typically maintained for the purpose of starting new plants, shrubs or trees and protecting plants from weather conditions. Greenhouses may also serve as holding areas for garden supplies, fertilizer, planting containers, and tools which are available for sale to the public. This classification

cation also includes the incidental sale of bark, soils, decorative or crushed rock, and store operations. This classification does not apply to establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm which are to be reported separately in classification 4803 or classification 7307 as applicable, or to landscaping contractors who may raise plants, trees or shrubs to be used in connection with their own landscaping jobs who are to be reported separately in classification 0301 or 0308 as applicable.

This classification excludes establishments engaged in growing and harvesting flowers for sale to others which are to be reported separately in classification 4802 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-05 Nurseries: Tree

Applies to establishments engaged in the propagation and/or care of trees for sale. Nurseries can be categorized into two general groups in that some nurseries are actively engaged in the propagation of trees from seed and grafting while others simply buy stock from growers and resell to the public or commercial customers. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, propagating trees, fertilizing, spraying, fumigating, watering, weeding, and pruning trees, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes incidental greenhouses which are typically maintained for the purpose of starting new trees and protecting them from weather conditions. Greenhouses may also serve as holding areas for garden supplies, fertilizer, planting containers, and tools which are available for sale to the public. This classification also includes the incidental sale of beauty bark, soils, decorative or crushed rock, and store operations.

This classification excludes establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm which are to be reported separately in classification 4803 or classification 7307 as applicable; landscaping contractors who may raise trees to be used in connection with their landscaping jobs who are to be reported separately in 0301 or 0308 as applicable; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm opera-

tion for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-06 Farms: Sod growing

Applies to establishments engaged in raising lawn sod for sale. Work contemplated by this classification includes, but is not limited to, preparing soil for new grass, planting grass seed, fertilizing, spraying, fumigating, watering, weeding, mowing grass, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. Sod farms may sell directly to the public from the farm or through landscape dealers and contractors.

This classification excludes the installation of sod at a customer's location; landscaping contractors who may raise sod to be used in connection with their landscaping jobs; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported in separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-07 Farms: Aquatic plants

Applies to establishments engaged in the propagation of aquatic plants for sale. Work contemplated by this classification includes, but is not limited to, preparing aquatic tanks, fresh water ponds or salt water growing areas for new plants, care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation, and harvesting and packaging plants when performed by employees of an employer subject to this classification. Aquatic farms may sell plants directly to the public from the farm or through dealers and unrelated stores. This classification includes farm store operations.

This classification excludes establishments engaged in the harvesting, processing, or packaging of aquatic plants obtained from natural areas, where the husbandry of the resource is not an integral part of the operation, which are to be reported separately in classification 3304 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-08 Farms: Shellfish

Applies to establishments engaged in the propagation, and harvesting, of shellfish for sale. Work contemplated by this classification includes, but is not limited to, preparing aquatic tanks or salt water growing areas for shellfish; care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation; and harvesting, shucking and packaging shellfish when performed by employees of an employer subject to this classification. Shellfish farms may sell directly to the public from a farm stand or store, located at or near the farm, or to dealers and unrelated stores.

This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas of nonnavigable waters where the husbandry of the resource is not an integral part of the operation which are to be reported separately in classification 3304, employees working on or from a vessel, as a captain or member of that vessel's crew, who are to be insured under the federal Jones Act according to the provisions of maritime law, and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: The distinction between risks assigned to this classification (4805-08) and those which are subject to the federal Jones Act is in the location of the work activity. Risks subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools or mechanical harvesting operations not on navigable waters, while those subject to the Jones Act are engaged in activities on a vessel while on navigable waters. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4805-09 Christmas tree sales from U-cut or retail sales lots

Applies to establishments engaged in retail sales of Christmas trees. Work contemplated by this classification is limited to placing trees in stands or on racks for display purposes, showing trees to retail customers, cashiering, monitor-

ing and directing traffic in the sales lot area, and loading trees into customer vehicles. Tree sales may be conducted at a farm location as in the case of a U-cut tree operation or at a seasonal sales lot.

This classification excludes all farming operations such as, but not limited to, preparation of soil for new trees, propagating and planting trees, fertilizing, spraying, fumigating, watering, weeding, pruning, and harvesting of trees, maintaining or installing sprinkler or irrigation systems which are to be reported separately in classification 7307; Christmas tree wholesalers and Christmas tree baling and packing operations which are to be reported separately in classification 7307; and contractors hired to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: Establishments assigned to this classification (4805-09) should report hours in this classification *only during the fourth quarter of each year* since these sales are confined to the Christmas season. The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-646, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-646, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-646, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-646, filed 5/31/93, effective 7/1/93; 89-24-051 (Order 89-22), § 296-17-646, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-646, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-646, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-646, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-646, filed 11/27/78, effective 1/1/79; Order 75-38, § 296-17-646, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-646, filed 11/9/73, effective 1/1/74.]

WAC 296-17-650 Classification 4901.

4901-00 Consulting engineering

Architectural services, N.O.C.

Applies to establishments engaged in providing consulting engineering services, construction management or consulting services, or architectural services not covered by another classification (N.O.C.). Engineers consult with and give technical advice to clients through the use of plans, maps, charts, specifications or other media. They may specialize in particular fields of endeavor such as aeronautical, chemical, civil, electrical, industrial, marine, mechanical or structural engineering. Engineers may research, design and develop a plan, a part, a piece of equipment, or a structure and may also build prototypes and models. Architects research, plan and design building projects for clients, applying knowledge of design, construction procedures, zoning and building codes, and building materials. They may enlist the services of engineers to provide specialized technical services or to solve specific problems. Architects may specialize in certain types of facilities such as hotels, hospitals, or industrial plants, or in the restoration of older structures, or may confine their practice to residential work. They also may be involved in the design of transportation facilities, public assembly complexes, marine or public utility projects. This classification includes employees of engineering or architectural services who perform surveys or who act as project managers or project superintendents for their employer's engineering or

architectural projects. Businesses which specialize in offering construction management and/or consulting services, which are not involved in designing, engineering, or any of the actual construction activities, are also included in this classification.

This classification excludes draftsmen whose duties are limited to office work, who may be reported separately in classification 4904 provided the conditions set forth in the standard exception rule have been met, and the engineering and architectural staff of construction companies or other types of businesses who are to be reported in the classifications applicable for those businesses.

Special note: When assigning classifications 4901 or 1007, care must be taken to look beyond the words "consulting" or "engineering" to determine the actual nature of the activities being performed.

4901-16 Geologists, N.O.C.

Applies to establishments engaged in providing geological services, including oil or gas geologists or scouts and lease buyers performing work similar to oil geologists, not covered by another classification. Geologists study the composition, structure, and history of the earth's crust to identify and determine the sequence of processes affecting the development of the earth. By applying knowledge of chemistry, physics, biology and mathematics to explain these phenomena, they help locate mineral, geothermal, petroleum, and underground water resources. They will consult with and give technical advice to clients based on their findings. Projects may include, but are not limited to, landslide analysis and correction, rock slope design, rock fall mitigation and control, and soil cut and embankment design. They also prepare geologic reports and maps, interpret research data, recommend further study or action, and may participate in environmental studies. Duties of oil or gas geologists or scouts and lease buyers include, but are not limited to, reviewing court records, interviewing lease holders, securing data for prospective oil or gas producing land, as well as procuring core or shale samples at drilling locations for analyzing. The oil or gas geologist also may explore and chart stratigraphic arrangement and structure of the earth to locate gas and oil deposits, evaluate results of geophysical prospecting, prepare maps and diagrams indicating probable deposits of gas and oil, as well as estimate oil reserves in proven or prospective fields and visit drilling sites. Scouts keep the client company informed of events in their region, attend local meetings, and report the findings on work.

This classification excludes geophysical exploration which is to be reported separately in classification 1007; seismic geophysical exploration which is to be reported separately in classification 0103; and geologists or scouts of a drilling or construction contractor who are to be reported separately in the classification applicable to the employer's business.

Special note: When assigning classifications 4901-16, geologists, 1007-08, geophysical exploration, and 0103, seismic geophysical exploration, care must be taken to look beyond the word "geologist" to determine the actual nature of the activities being performed.

4901-17 Land surveying services, N.O.C.

Applies to establishments engaged in providing professional land surveying services not covered by another classification (N.O.C.). Land surveyors measure the size and physical characteristics of earth surfaces to determine precise location and measurements of points, elevations, lines, areas, contours and boundaries for private, public, and commercial applications. Some firms also perform marine, mine, forestry, geological and photogrammetric surveys which utilize sophisticated instruments and techniques, including aerial photography. The field data collected by surveyors may be used to produce maps and architectural and civil engineering plans and drawings. Maps and drawings may be produced by drafters who plot out the field data by hand or by using computer-aided drafting programs.

This classification excludes draftsmen whose duties are limited to office work, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met, and surveyors employed by construction companies or other types of businesses who are to be reported separately in the applicable classifications for those businesses.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-650, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-650, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035, 94-12-063, § 296-17-650, filed 5/30/94, effective 6/30/94. Statutory Authority: RCW 51.16.035, 85-24-032 (Order 85-33), § 296-17-650, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-650, filed 2/28/85, effective 4/1/85; 82-24-047 (Order 82-38), § 296-17-650, filed 11/29/82, effective 1/1/83; Order 75-38, § 296-17-650, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-650, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-650, filed 11/9/73, effective 1/1/74.]

WAC 296-17-680 Classification 6103.

6103-01 Schools: Academic, K-12 - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, school nurses, payroll and bookkeeping personnel, and teachers or teachers' aides of establishments engaged in operating public or private academic school facilities, K-12 (kindergarten level through grade 12).

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers' aides who are exposed to machinery hazards such as a wood shop, metal shop, print shop, auto shop, and driver training instructors who are to be reported separately in classification 6104.

6103-02 Schools: Trade or vocational - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and professors or instructors of establishments engaged in operating trade or vocational school facilities. These types of schools provide specialized training and instruction to prepare students for occupations in the chosen

fields. Often these facilities will coordinate on-the-job training with employers as well as assist students in finding employment.

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, drivers, custodians, maintenance personnel and grounds keepers, and professors or instructors who are exposed to machinery hazards such as a wood shop, metal shop, print shop and auto shop who are to be reported separately in classification 6104.

6103-03 Libraries, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating library facilities not covered by another classification (N.O.C.). These types of facilities maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers who are to be reported separately in classification 6104.

**6103-04 Churches - clerical office, sales personnel, teachers, N.O.C. and administrative employees
Bell ringers**

Applies to clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors of establishments engaged in operating church facilities for members of a religious congregation to meet and worship on a daily or weekly basis. Other services provided include, but are not limited to, sermons, rites, counseling, baptisms, weddings, funerals, bible school, and child care during church services and events. When a church is also operating a school facility, the church classifications are to be assigned for both operations. This classification also applies to bell ringers for charitable organizations.

This classification excludes all other types of employees in connection with the church facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-05 Museums, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as directors, assistant directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). Museums maintain a wide variety of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, pack-

ers, and warehousemen who are to be reported separately in classification 6104.

6103-06 Day nurseries or child day care centers - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, and administrative employees such as teachers, teachers' aides and nurses of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, or in providing baby-sitting services. Employees will instruct children in activities designed to promote social, physical, and intellectual growth in preparation for primary school. Most day care centers provide breakfast and lunch.

This classification excludes all other types of employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-10 Flight instructions - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, classroom instructors, and administrative employees of establishments engaged in providing classroom instruction to student pilots in flight procedures and techniques. Flight instructors explain various aircraft components and instruments for controlling aircraft during maneuvers, and, using flight simulators, demonstrate procedures such as, but not limited to, take-offs and landings.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers and drivers who are to be reported separately in classification 6104 and in-air flight instructors outside the classroom who are to be reported separately in the classification 6803.

Special note: Reporting rules are outlined in the division of worker hours provision in the general rules.

6103-11 Schools: N.O.C. - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to classroom instructors, clerical office, sales personnel and administrative employees such as directors and assistant directors, coordinators, instructors, receptionists, secretaries, counselors, payroll and bookkeeping personnel of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.). Schools include, but are not limited to, dance, modeling, music, driving, cooking, first aid, and schools for coaches. Modeling and dance schools emphasize poise, balance, facial gestures, self-confidence, and counseling in wardrobe and make-up. Music schools emphasize the disciplines of playing various instruments. Driving schools concentrate on the rules, principles, and coordination needed to drive safely, using textbooks, audio-visuals, and driving simulators.

This classification excludes all other types of employees in connection with the specialized school facilities such as, but not limited to, custodians, maintenance personnel, grounds keepers, and ballet dancers and instructors who perform activities not as part of a classroom environment who are to be reported separately in classification 6104 and driv-

ing instructors outside of the classroom who are to be reported separately in classification 6301.

6103-12 Officials for amateur athletic or cultural events, N.O.C. - clerical office, teachers, N.O.C. and administrative employees

Applies to clerical office employees, administrative employees, and event officials of establishments engaged in providing officials such as, but not limited to, umpires or referees for amateur athletic or cultural events sponsored by schools or communities. Events include, but are not limited to, sports, spelling bees, debates, and musical competitions.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-680, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120, 03-23-025, § 296-17-680, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-680, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-680, filed 5/31/96, effective 7/1/96; 88-12-050 (Order 88-06), § 296-17-680, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-680, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-680, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-680, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-680, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-680, filed 11/9/73, effective 1/1/74.]

WAC 296-17-681 Classification 6104.

6104-01 Schools: Academic, K-12 - all other employments, N.O.C.

Applies to all other employees of public or private academic schools K-12 (kindergarten level through grade 12). All other in this classification is defined as employees such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers aides who are exposed to machinery hazards such as wood shop, metal shop, print shop, auto shop, and driver instructors.

This classification excludes clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-02 Schools: Trade or vocational - all other employments, N.O.C.

Applies to all other employees of trade or vocational schools. All other in this classification is defined as employees such as, but not limited to, cooks, drivers, driving instructors, custodians, maintenance personnel and grounds keepers, and teachers and teachers aides who are exposed to machinery hazards such as, but not limited to, those in wood shop, metal shop, automotive shops, and plumbing or electrical work. Vocational or trade schools provide specialized training and instruction to prepare students for occupations in their chosen field. Often these facilities will coordinate on-the-job training and assist students in finding employment.

This classification excludes clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-03 Libraries, N.O.C. - all other employments, N.O.C.

Applies to all other employees of library facilities which are not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers. Libraries maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-04 Churches - all other employments, N.O.C.

Applies to all other employees of churches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel, grounds keepers, and drivers. Services offered by a church include, but are not limited to, providing a place for members of a religious congregation to meet and worship on a daily or weekly basis, sermons, rites, counseling, baptisms, weddings, funerals, bible school, child care during church services and events.

This classification excludes clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors who are to be reported separately in classification 6103.

6104-05 Museums, N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packagers, and warehousemen. Museums maintain a wide selection of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes clerical office, sales personnel and administrative employees such as museum directors, assistant museum directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-06 Day nurseries or child day care centers - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, which provide activities to promote social, physical, and intellectual growth in preparation for primary school. All other in this classification is defined as employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers.

This classification excludes clerical office, sales personnel and administrative employees such as principals, receptionists, secretaries, counselors, payroll and bookkeeping

personnel, and teachers or teachers' aides who are to be reported separately in classification 6103.

6104-11 Schools: N.O.C. - all other employments, N.O.C.

Applies to all other employees of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.) such as, but not limited to, dance, modeling, music, cooking, first aid, and schools for coaches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors or teachers or ballet dancers who perform activities not as part of a classroom environment or who are exposed to machinery hazards.

This classification excludes administrative employees such as directors and assistant directors, coordinators, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and classroom instructors, who are to be reported separately in classification 6103 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

[Statutory Authority: RCW 51.16.035, 51.16.100.05-23-161, § 296-17-681, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120.03-23-025, § 296-17-681, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035.98-18-042, § 296-17-681, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-681, filed 5/31/96, effective 7/1/96; 87-12-032 (Order 87-12), § 296-17-681, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-681, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-681, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-681, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-681, filed 11/9/73, effective 1/1/74.]

WAC 296-17-698 Classification 6303.

6303-00 Outside sales personnel, N.O.C.; messengers

Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account. Duties of outside sales personnel contemplated by this classification are limited to soliciting new customers by telephone or in person, showing, selling, and explaining products or services, servicing existing accounts, completing correspondence, placing orders, performing public relations duties, and estimating. Duties of messengers are limited to delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business.

This classification excludes the delivery of products or merchandise or the stocking of shelves which is to be reported separately as applicable; the demonstration or delivery of machinery or equipment which are to be reported separately as applicable, establishments engaged as collection agencies or public relations agencies which are to be reported separately in classification 5301; establishments engaged in providing inspection and valuations exclusively for insurance companies which are to be reported separately in classification 4903.

Special note: When considering this classification care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, collectors, counselors, consultants, or appraisers may or may not qualify for this classification. This is a restrictive classification; the

qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6303-03 Insurance sales personnel and claims adjusters

Applies to insurance sales personnel and claims adjusters with outside duties. Duties of employees subject to this classification are limited to selling insurance policies at their place of business or at the client's home, or going to the scene of an accident or catastrophe to assess damage. Work may be performed within an office or away from the employer's premises.

Special note: Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department.

6303-21 Home health care services: Social workers and dietitians

Applies to social workers and dietitians employed by home health care service establishments who provide care for handicapped individuals. Duties of these employees include teaching physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor. This classification also includes dietitians, sometimes called nutritionists, who usually are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops, a food plan to meet the patient's needs. Employees subject to this classification do no cooking.

This classification excludes nursing and home health care services which are to be reported separately in classification 6110; therapy services which are to be reported separately in classification 6109; domestic servants who are to be reported separately in classification 6510; and chore workers who are to be reported separately in classification 6511.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met. *This classification is not to be assigned to any account that does not also have classification 6110 and/or 6511.*

[Statutory Authority: RCW 51.16.035, 51.16.100.05-23-161, § 296-17-698, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120.03-23-025, § 296-17-698, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035.99-18-068, § 296-17-698, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-698, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-698, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-698, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-698, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035.79-12-086 (Order 79-18), § 296-17-698, filed 11/30/79, effective 1/1/80; Order 76-36, § 296-17-698, filed 11/30/76; Order 73-22, § 296-17-698, filed 11/9/73, effective 1/1/74.]

WAC 296-17-701 Classification 6306.**6306-00 Stores: Furniture - wholesale or retail
Stores: Billiard or pool table - wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique household furniture. This classification also includes the sale of related items such as, but not limited to, lamps, bedding, pillows, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with a furniture store operation. This classification includes the delivery and the incidental repair of merchandise sold. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and is readily available for sale and delivery to the customer. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, a furniture store could bid on a job to carpet all units of an apartment complex. If the carpet is ordered from the factory as opposed to carpet carried at the store and in the stores inventory, then the installation is to be reported separately in classification 0502. This classification also applies to stores that sell billiard or pool tables.

Special note: Care should be exercised when considering this classification for antique or used furniture stores since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

6306-01 Stores: Furniture - rental

Applies to establishments engaged in the rental of new, used, or antique household furniture. This classification also includes the sales of related items such as, but not limited to, lamps, bedding, pillows, framed pictures, art pieces and sculptures when sold in connection with a furniture rental store operation. This classification includes the delivery and the incidental repair of merchandise rented. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. This classification also applies to establishments that provide rent-to-own purchasing options, and to establishments engaged in the sale or rental of hospital beds, motorized wheelchairs and similar patient appliances.

Special note: Care should be exercised when considering this classification for an antique or used furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a

piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

6306-02 Stores: Appliance - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of gas, electric, or propane household appliances. Household appliances include, but are not limited to, refrigerators, freezers, stoves, range tops, trash compactors, washing machines, clothes dryers, television consoles, big screen televisions, and television antennas or satellite dish receiving units. Appliance stores will routinely carry smaller appliances which are generally referred to as counter top units which include, but are not limited to, mixers, blenders, microwave ovens, toasters and espresso machines and are included in this classification when sold in connection with the appliance store operation. This classification covers the sale of primarily new appliances although establishments subject to this classification accept trade-ins and sell some used appliances. Also included is the incidental repair of appliances sold by the appliance store, parts departments employees, and the delivery of products sold. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an appliance store could bid on a job to supply appliances for all units of an apartment complex. If the appliances are ordered from the factory as opposed to items carried at the store and in the stores inventory then the installation is to be reported separately in classification 0607. Establishments engaged in the sale of commercial appliances may be assigned to this classification provided such establishments operate a bonafide store operation. Generally, however, commercial appliances such as those used to equip bakeries and restaurants are factory ordered items which are made to a customer's specifications from a manufacturer's representative.

Special note: Care should be taken when considering this classification for an antique or used appliance store since such establishments are primarily engaged in reconditioning appliances (service and repair) for resale and are to be reported separately in classification 0607.

6306-03 Stores: Piano or organ - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new pianos and organs. This classification includes all operations associated with the store including service, repair, and delivery. It is common for stores subject to this classification to carry other musical instruments such as, but not limited to, guitars, drums and wind instruments as well as provide instructions on the use of instruments.

This classification excludes establishments engaged exclusively in piano tuning which are to be reported separately in classification 4107; stores that sell musical instruments other than pianos or organs which are to be reported separately in classification 6406; and establishments engaged in the reconditioning of organs and pianos accompanied by the related sales of reconditioned pianos and organs which are to be reported separately in classification 2906.

6306-06 Stores: Office furniture - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique office furniture. This classification also includes the sales of related items such as, but not limited to, lamps, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with an office furniture store operation. This classification includes the delivery of furniture and related items, and the incidental repair of office furniture items sold by the office furniture store such as upholstery repair and cleaning. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and readily available for sale and delivery to the customer. The contract installation of any merchandise that must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an office furniture store could bid on a job to supply modular desk units for a large office complex. If the desk units are ordered from the factory as opposed to units carried at the store and in the stores inventory, then the installation is to be reported separately in classification 2002.

Special note: Care should be exercised when considering this classification for an antique or used office furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing or upholstery work.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-12-031, § 296-17-701, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-701, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-701, filed 5/31/96, effective 7/1/96; 85-24-032 (Order 85-33), § 296-17-701, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-701, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-701, filed 11/30/83, effective 1/1/84; Order 76-36, § 296-17-701, filed 11/30/76; Order 75-38, § 296-17-701, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-701, filed 11/9/73, effective 1/1/74.]

WAC 296-17-73111 Classification 6620.**6620-00 Entertainers, N.O.C.**

Applies to establishments or individuals providing entertainment of a strenuous nature for a fee, donation or free of charge. For classification purposes, strenuous entertainment includes activities such as, but not limited to, dancing, skating, gymnastics, or performing stunts.

This classification excludes actors, players, performers, entertainers, or musicians whose routines or performances are not of a physical or strenuous nature who are to be reported separately in classification 6605.

Special note: Classifications 6620 and 6605 may be assigned to a single establishment provided the establishment maintains accurate records which distinguishes entertainers whose routines are of a physical and strenuous nature, from the routines which are not physical or strenuous. Care should be exercised when assigning this classification as the enter-

tainers may be exempt from coverage as specified in RCW 51.12.020(9).

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-73111, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-73111, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020. 94-24-007, § 296-17-73111, filed 11/28/94, effective 1/1/95.]

WAC 296-17-743 Classification 6803.**6803-01 Flight instruction**

Applies to flight instructors employed by establishments who provide flight instruction services. This classification applies only to the pilot operating or overseeing the aircraft during the flight lesson.

This classification excludes classroom flight instruction which is to be reported separately in classification 6103 and ground crew operations which are to be reported separately in classification 6804.

6803-02 Private aircraft - transportation of personnel in connection with the employer's business

Applies to members of a flight crew who operate private aircraft owned by a business and used for the transportation of company personnel in connection with the company's business. Aircraft operation is subject to the general exclusion section of the general rules which allows all other hours worked by these same personnel to be reported separately in the applicable classification.

This classification excludes ground crew operations which are to be reported separately in classification 6804.

6803-04 Aircraft operations, N.O.C. and nonscheduled airlines - flight crews

Applies to members of the flight crew for aircraft operations not covered by another classification (N.O.C.) and flight crews employed by an employer operating a nonscheduled airline. Nonscheduled airlines, such as a charter service, do not have definite dates, routes, and times for departures and arrivals but make their services available to the public as needed. Operations not covered by another classification could include, but not be limited to, an aircraft used for sky-writing/advertising, helicopter-assisted hoisting of large or heavy objects in connection with construction projects and helicopter-assisted removal of logs from a logging side.

This classification excludes ground crew operations which are to be reported separately in classification 6804; establishments engaged in aerial spraying, seeding, crop dusting, and fire fighting which are to be reported separately in classification 6903; logging ground crews of a helicopter logging operation which are to be reported separately in classification 5001; and clerical and ticket sellers with no other duties which may be reported separately in classification 4904.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-743, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-743, filed 8/28/98, effective 10/1/98; 87-24-060 (Order 87-26), § 296-17-743, filed 12/1/87, effective 1/1/88; 85-24-032 (Order 85-33), § 296-17-743, filed 11/27/85, effective 1/1/86; Order 76-36, § 296-17-743, filed 11/30/76; Order 73-22, § 296-17-743, filed 11/9/73, effective 1/1/74.]

WAC 296-17-76212 Classification 7121.**7121-00 Temporary staffing services: Logging; tree removal service; stump grinding services; shake or shingle mills; aircraft flight crew members**

This classification applies to all employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any phase of logging or aircraft operations or who are assigned to work in shake or shingle mills, including equipment or machinery operators related to industries subject to this classification.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-76212, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020 and 51.16.035, 03-20-081, § 296-17-76212, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 98-18-042, § 296-17-76212, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76212, filed 5/31/88, effective 7/1/88.]

WAC 296-17-764 Classification 7202.**7202-00 Real estate agencies**

Applies to establishments engaged in buying, selling, renting, and appraising real estate for others. A real estate licensee will study property listings, accompany clients to property sites to show the property, and assist in the completion of real estate documents such as real estate contracts, leases, and seller's disclosure documents. They will also hold open houses, conduct negotiations, and assist at the closing. This classification includes clerical office and sales personnel. Real estate sales personnel, including agents, are considered to be workers of the broker or real estate agency employing them.

This classification excludes building and/or property management services which are to be reported separately in classification 4910.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-12-031, § 296-17-764, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035, 99-18-068, § 296-17-764, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-764, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-764, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-764, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-764, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035, 79-12-086 (Order 79-18), § 296-17-764, filed 11/30/79, effective 1/1/80.]

WAC 296-17-76601 Classification 7205.**Life and rescue - Emergency workers**

Applies to employees of nongovernmental employers provided in response to a request for assistance by a state or local official in the "life and rescue phase" of a declared emergency. This classification is only applicable for reporting the exposures (worker hours and claims) of nongovernmental employees occurring during this phase of the declared emergency. The phrase "life and rescue phase" is defined in RCW 51.16.130(3) as being the first seventy-two hours after a natural or man-made disaster has occurred. To qualify for this special classification, a state or local official such as, but not limited to, the governor; a county executive; a mayor; a fire marshal; a sheriff or police chief must declare an emergency and must request help from private sector employers to assist in locating and rescuing disaster survivors.

[Statutory Authority: RCW 51.16.035, 51.16.100, 05-23-161, § 296-17-76601, filed 11/22/05, effective 1/1/06.]

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components A_p , $W A_e$, and $(1-W) E_e$ are values which shall be charged against an employer's experience record. The component, E , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" A_p " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of \$18,972 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{47,430}{\text{Total loss} + 28,458} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than \$18,972 the full value of the claim shall be considered a primary loss.

" A_e " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" W " signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula. W values are set forth in Table II.

" E " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" E_e " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by " $(1-W) E_e$ " in the experience

rience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-855, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-855, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-855, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-855, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-855, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-855, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-855, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-855, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-855, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-855, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-855, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-855, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-855, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-855, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-855, filed 5/31/93, effective 7/1/93; 92-24-063, § 296-17-855, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-855, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-855, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-855, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-855, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-855, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-855, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-855, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-855, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-855, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-855, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-855, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-855, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-855, filed 11/30/79, effective 1/1/80; Order 77-27, § 296-17-855, filed 11/30/77, effective 1/1/78; Order 74-40, § 296-17-855, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-855, filed 11/9/73, effective 1/1/74.]

WAC 296-17-870 Evaluation of actual losses. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) **Valuation date.** The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) **Retroactive adjustments - revision of losses between valuation dates.** No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) **Average death value.** Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value." The "average death value" shall be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in WAC 296-17-880 (Table II).

(4) **Third-party recovery - effect on experience modification.**

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party, both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has been completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) Definitions:

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) **Second injury claims.** The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) **Occupational disease claims.** When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purpose of experience rating, will be the date the disability was diagnosed and that gave rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his/her share of the claim based upon the prorated costs.

(7) **Maximum claim value.** No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in WAC 296-17-880 (Table II).

(8) **Catastrophic losses.** Whenever a single accident results in the deaths or total permanent disability of three or more workers employed by the same employer, costs charged to the employer's experience shall be limited as required by RCW 51.16.130.

(9) **Acts of terrorism.** Whenever any worker insured with the state fund sustains an injury or occupational disease as a result of an incident certified to be an act of terrorism under the U.S. Terrorism Risk Insurance Act of 2002, the costs of the resulting claim shall be excluded from the experience rating computation of the worker's employer.

(10) **Claims filed by preferred workers.** The costs of subsequent claims filed by certified preferred workers will not be included in experience calculations, as provided in WAC 296-16-010.

(11) **Life and rescue phase of emergencies:** This provision applies to "emergency workers" of nongovernmental employers assigned to report in classification 7205 (WAC 296-17-76601) who assist in a life and rescue phase of a state or local emergency (disaster). The life and rescue phase of an emergency is defined in RCW 51.16.130(3) as being the first seventy-two hours after a natural or man-made disaster has occurred. For an employer to qualify for this special experience rating relief, a state or local official such as, but not limited to, the governor; a county executive; a mayor; a fire marshal; a sheriff or police chief must declare an emergency and must request help from private sector employers to assist in locating and rescuing survivors. This special relief is only applicable to nongovernmental employers during this initial seventy-two hour phase of the declared emergency unless the emergency has been extended by the official who declared the emergency. The cost of injuries or occupational disease claims filed by employees of nongovernmental employers assisting in the life and rescue phase of a declared emergency will not be charged to the experience record of the nongovernmental state fund employer.

[Statutory Authority: RCW 51.16.035, 51.16.100. 05-23-161, § 296-17-870, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035 and 51.04.020. 04-10-045, § 296-17-870, filed 4/30/04, effective 6/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-870, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-870, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-870, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 90-13-018, § 296-17-870, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-870, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-870, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-16-012 (Order 88-12), § 296-17-870 filed 7/22/88, effective 1/1/89; 81-24-042 (Order 81-30), § 296-17-870, filed 11/30/81, effective 1/1/82. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-870, filed 11/27/78, effective 1/1/79; Order 75-38, § 296-17-870, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-870, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-870, filed 11/9/73, effective 1/1/74.]

WAC 296-17-875 Table I.

**Primary Losses for Selected Claim Values
Effective January 1, 2006**

CLAIM VALUE	PRIMARY LOSS
18,972	18,972
20,750	20,000
24,620	22,000
29,150	24,000
34,527	26,000
41,010	28,000
48,981	30,000
59,019	32,000
80,131	35,000
100,000	36,923
125,000	38,634
150,000	39,867
208,747*	41,740
300,000	43,321
474,300**	44,745

* Average death value

** Maximum claim value

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-875, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-875, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-875, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-875, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-875, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-875, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-875, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-875, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-875, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-875, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-875, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-875, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-875, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-875, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-875, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-875, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-875, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-875, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-875, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-875, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-875, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-875, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-875, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-875, filed 11/30/83, effective 1/1/84; 82-24-047

(Order 82-38), § 296-17-875, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-875, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-875, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-875, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-875, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-875, filed 11/30/77, effective 1/1/78; Order 76-36, § 296-17-875, filed 11/30/76; Order 75-38, § 296-17-875, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-875, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-875, filed 11/9/73, effective 1/1/74.]

WAC 296-17-880 Table II.

"B" and "W" Values Effective January 1, 2006

Maximum Claim Value = \$ 474,300

Average Death Value = \$ 208,747

Expected Losses		B	W	Expected Losses	B	W
10,276 & Under		89,490	0.00	626,283	-	648,544
10,277	-	88,595	0.01	648,545	-	671,333
20,707	-	87,700	0.02	671,334	-	694,669
31,293	-	86,805	0.03	694,670	-	718,574
42,039	-	85,910	0.04	718,575	-	743,069
52,948	-	85,016	0.05	743,070	-	768,176
64,027	-	84,121	0.06	768,177	-	793,921
75,278	-	83,226	0.07	793,922	-	820,329
86,706	-	82,331	0.08	820,330	-	847,426
98,316	-	81,436	0.09	847,427	-	875,241
110,112	-	80,541	0.10	875,242	-	903,804
122,100	-	79,646	0.11	903,805	-	933,146
134,284	-	78,751	0.12	933,147	-	963,300
146,669	-	77,856	0.13	963,301	-	994,303
159,261	-	76,961	0.14	994,304	-	1,026,192
172,065	-	76,067	0.15	1,026,193	-	1,059,006
185,089	-	75,172	0.16	1,059,007	-	1,092,787
198,337	-	74,277	0.17	1,092,788	-	1,127,580
211,816	-	73,382	0.18	1,127,581	-	1,163,432
225,533	-	72,487	0.19	1,163,433	-	1,200,394
239,494	-	71,592	0.20	1,200,395	-	1,238,520
253,706	-	70,697	0.21	1,238,521	-	1,277,866
268,176	-	69,802	0.22	1,277,867	-	1,318,493
282,913	-	68,907	0.23	1,318,494	-	1,360,467
297,924	-	68,012	0.24	1,360,468	-	1,403,859
313,216	-	67,118	0.25	1,403,860	-	1,448,741
328,800	-	66,223	0.26	1,448,742	-	1,495,194
344,684	-	65,328	0.27	1,495,195	-	1,543,304
360,877	-	64,433	0.28	1,543,305	-	1,593,163
377,389	-	63,538	0.29	1,593,164	-	1,644,869
394,229	-	62,643	0.30	1,644,870	-	1,698,530
411,409	-	61,748	0.31	1,698,531	-	1,754,260
428,939	-	60,853	0.32	1,754,261	-	1,812,182
446,830	-	59,958	0.33	1,812,183	-	1,872,433
465,096	-	59,063	0.34	1,872,434	-	1,935,157
483,746	-	58,169	0.35	1,935,158	-	2,000,513
502,796	-	57,274	0.36	2,000,514	-	2,068,670
522,258	-	56,379	0.37	2,068,671	-	2,139,818
542,148	-	55,484	0.38	2,139,819	-	2,214,158
562,479	-	54,589	0.39	2,214,159	-	2,291,915
583,268	-	53,694	0.40	2,291,916	-	2,373,332
604,530	-	52,799	0.41	2,373,333	-	2,458,676
				2,458,677	-	2,548,242
				2,548,243	-	2,642,357
				2,642,358	-	2,741,377
				2,741,378	-	2,845,702
				2,845,703	-	2,955,773
				2,955,774	-	3,072,082
				3,072,083	-	3,195,181
				3,195,182	-	3,325,685
				3,325,686	-	3,464,291
				3,464,292	-	3,611,781
				3,611,782	-	3,769,044
				3,769,045	-	3,937,090
				3,937,091	-	4,117,076
				4,117,077	-	4,310,328
				4,310,329	-	4,518,378
				4,518,379	-	4,742,999
				4,743,000 & Over	0	1.00

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-880, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-880, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-880, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-880, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-880, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-880, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-880, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-880, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-880, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-880, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020, 95-23-080, § 296-17-880, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-880, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-880, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-880, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-880, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-880, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-880, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-880, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-880, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-880, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-880, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-880, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-880, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-880, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-880, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-880, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-880, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-880, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-880, filed 11/30/77, effective 1/1/78; Order 76-36, § 296-17-880, filed 11/30/76; Order 75-38, § 296-17-880, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-880, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-880, filed 11/9/73, effective 1/1/74.]

WAC 296-17-885 Table III.

Expected Loss Rates and D-Ratios for Indicated Fiscal Year Expected Loss Rates in Dollars Per Worker Hour Effective January 1, 2006

Class	2002	2003	2004	D-Ratio
0101	1.4847	1.2443	1.1432	0.460
0103	1.8524	1.5387	1.4188	0.484
0104	1.0684	0.8932	0.8219	0.468
0105	1.5795	1.2956	1.2082	0.531
0107	1.3744	1.1518	1.0583	0.460
0108	1.0684	0.8932	0.8219	0.468
0112	0.8720	0.7273	0.6739	0.487
0201	2.6438	2.2267	2.0258	0.430
0202	3.4469	2.9526	2.7120	0.406
0210	1.3464	1.1396	1.0401	0.426
0212	1.4263	1.1989	1.1004	0.454
0214	1.4435	1.2020	1.1010	0.473
0217	1.2482	1.0359	0.9545	0.489
0219	1.0487	0.8818	0.8211	0.473
0301	0.6809	0.5554	0.5224	0.549
0302	2.0714	1.7360	1.5801	0.450
0303	2.0469	1.7232	1.5683	0.437
0306	1.1351	0.9407	0.8619	0.482
0307	1.0403	0.8573	0.7940	0.509
0308	0.6220	0.5022	0.4764	0.590
0403	1.9600	1.5840	1.4897	0.578
0502	1.6752	1.3977	1.2772	0.463
0504	1.5285	1.2855	1.1886	0.462
0507	3.2625	2.7330	2.5340	0.474
0508	2.1299	1.8060	1.6381	0.411
0509	1.6940	1.4102	1.2887	0.463
0510	1.7290	1.4328	1.3302	0.502
0511	1.8432	1.5264	1.4052	0.492
0512	1.6373	1.3641	1.2501	0.470
0513	0.9899	0.8228	0.7576	0.482
0514	2.0915	1.7337	1.6037	0.498
0516	1.8178	1.5205	1.3996	0.467
0517	1.8986	1.5988	1.4798	0.457
0518	1.7410	1.4574	1.3344	0.454
0519	2.4161	2.0474	1.8755	0.428
0521	0.6270	0.5240	0.4874	0.483
0601	0.7389	0.6088	0.5635	0.505
0602	0.8651	0.7028	0.6513	0.549
0603	1.1278	0.9442	0.8596	0.446
0604	1.1036	0.9073	0.8533	0.532
0606	0.6090	0.4915	0.4638	0.581
0607	0.5578	0.4512	0.4237	0.569
0608	0.4431	0.3657	0.3406	0.513
0701	2.2002	1.8733	1.6726	0.373
0803	0.5562	0.4459	0.4202	0.593
0901	1.7410	1.4574	1.3344	0.454
1002	1.1105	0.9228	0.8636	0.506
1003	0.9129	0.7577	0.7064	0.500
1004	0.5763	0.4700	0.4373	0.546
1005	8.9312	7.5026	6.9194	0.473
1007	0.4313	0.3555	0.3299	0.509
1101	0.7970	0.6491	0.6096	0.555
1102	1.4917	1.2375	1.1429	0.496
1103	1.3294	1.1226	1.0479	0.467
1104	0.6232	0.5098	0.4834	0.554
1105	1.0534	0.8796	0.8186	0.483
1106	0.4027	0.3288	0.3129	0.555
1108	0.7364	0.5951	0.5601	0.573
1109	1.6163	1.3290	1.2500	0.538
1301	0.7680	0.6079	0.5675	0.633
1303	0.2567	0.2047	0.1933	0.612
1304	0.0317	0.0254	0.0241	0.590
1305	0.4671	0.3757	0.3545	0.591
1401	0.5568	0.4696	0.4408	0.466
1404	0.8355	0.6812	0.6427	0.560
1405	0.6330	0.5048	0.4776	0.619
1407	0.7485	0.6117	0.5778	0.556
1501	0.6561	0.5333	0.4994	0.558
1507	0.5838	0.4750	0.4448	0.558
1701	1.0285	0.8600	0.7975	0.480
1702	2.2744	1.9440	1.7625	0.390
1703	0.9667	0.8129	0.7348	0.432
1704	1.0285	0.8600	0.7975	0.480
1801	0.6153	0.5176	0.4806	0.454
1802	0.7814	0.6404	0.5967	0.541
2002	0.8347	0.6798	0.6431	0.561
2004	1.0728	0.8686	0.8178	0.571
2007	0.5126	0.4187	0.3935	0.548
2008	0.3693	0.3058	0.2860	0.503
2009	0.4654	0.3757	0.3580	0.585
2101	0.7774	0.6402	0.6025	0.534
2102	0.6673	0.5378	0.5097	0.588
2104	0.4186	0.3368	0.3225	0.598
2105	0.6932	0.5516	0.5219	0.618
2106	0.4980	0.4052	0.3837	0.572
2201	0.2912	0.2378	0.2247	0.557
2202	0.8161	0.6615	0.6212	0.567
2203	0.5741	0.4605	0.4384	0.603
2204	0.2912	0.2378	0.2247	0.557
2401	0.5623	0.4564	0.4289	0.564
2903	0.7832	0.6329	0.5998	0.581
2904	0.8704	0.7181	0.6749	0.515
2905	0.6640	0.5367	0.5110	0.584
2906	0.3954	0.3194	0.3010	0.573
2907	0.6286	0.5051	0.4800	0.599
2908	1.1697	0.9675	0.9001	0.510
2909	0.4621	0.3734	0.3542	0.582
3101	1.0997	0.9233	0.8527	0.461
3102	0.3342	0.2679	0.2536	0.593
3103	0.6460	0.5331	0.5001	0.525
3104	0.6674	0.5509	0.5119	0.508

Class	2002	2003	2004	D-Ratio	Class	2002	2003	2004	D-Ratio
3105	0.8809	0.7130	0.6728	0.570	4906	0.1157	0.0926	0.0875	0.603
3303	0.5092	0.4098	0.3871	0.591	4907	0.0599	0.0486	0.0460	0.566
3304	0.5720	0.4592	0.4389	0.603	4908	0.1641	0.1285	0.1266	0.659
3309	0.5043	0.4102	0.3860	0.553	4909	0.0725	0.0578	0.0567	0.617
3402	0.6170	0.5045	0.4733	0.539	4910	0.5261	0.4313	0.4056	0.538
3403	0.2368	0.1937	0.1815	0.527	5001	5.3608	4.5191	4.1290	0.443
3404	0.5855	0.4734	0.4475	0.576	5002	0.6924	0.5570	0.5236	0.588
3405	0.3723	0.3038	0.2854	0.546	5003	2.1101	1.7860	1.6330	0.435
3406	0.2540	0.2020	0.1931	0.622	5004	1.0586	0.8780	0.8237	0.508
3407	0.7797	0.6457	0.6030	0.508	5005	0.6429	0.5392	0.4980	0.467
3408	0.2032	0.1614	0.1530	0.635	5006	1.7908	1.5327	1.3997	0.399
3409	0.2113	0.1642	0.1581	0.685	5101	1.0732	0.8602	0.8113	0.596
3410	0.3271	0.2635	0.2513	0.595	5103	0.8988	0.7191	0.6853	0.606
3411	0.5584	0.4578	0.4274	0.531	5106	0.8988	0.7191	0.6853	0.606
3412	0.6572	0.5462	0.5044	0.484	5108	1.0860	0.8621	0.8190	0.622
3414	0.6396	0.5186	0.4852	0.559	5109	0.7087	0.5774	0.5403	0.545
3415	0.8862	0.7449	0.6916	0.459	5201	0.5048	0.4070	0.3823	0.571
3501	1.1999	0.9879	0.9272	0.534	5204	1.0660	0.8881	0.8279	0.484
3503	0.3753	0.3019	0.2907	0.605	5206	0.4615	0.3789	0.3523	0.522
3506	1.2438	1.0331	0.9430	0.469	5207	0.2171	0.1709	0.1650	0.649
3509	0.4913	0.3878	0.3712	0.643	5208	1.0014	0.8278	0.7764	0.516
3510	0.4383	0.3517	0.3328	0.593	5209	0.8788	0.7265	0.6782	0.509
3511	0.8393	0.6867	0.6461	0.545	5301	0.0395	0.0312	0.0299	0.634
3512	0.4132	0.3299	0.3147	0.606	5302	0.0251	0.0203	0.0192	0.568
3513	0.5362	0.4553	0.4286	0.452	5305	0.0661	0.0518	0.0499	0.660
3602	0.1494	0.1182	0.1127	0.629	5306	0.0750	0.0594	0.0567	0.627
3603	0.5418	0.4414	0.4161	0.554	5307	0.5942	0.4783	0.4490	0.585
3604	0.9344	0.7759	0.7300	0.499	6103	0.1021	0.0801	0.0775	0.658
3605	0.6028	0.4894	0.4584	0.563	6104	0.4446	0.3577	0.3411	0.599
3701	0.3342	0.2679	0.2536	0.593	6105	0.3932	0.3212	0.3013	0.543
3702	0.5396	0.4308	0.4082	0.605	6107	0.1728	0.1368	0.1316	0.618
3708	0.7476	0.6104	0.5712	0.545	6108	0.5147	0.4099	0.3936	0.623
3802	0.2187	0.1742	0.1657	0.623	6109	0.1098	0.0884	0.0835	0.583
3808	0.4930	0.4055	0.3774	0.519	6110	0.6838	0.5516	0.5215	0.585
3901	0.2047	0.1623	0.1562	0.634	6201	0.3780	0.3133	0.2906	0.485
3902	0.6023	0.4908	0.4641	0.558	6202	0.7585	0.6247	0.5903	0.533
3903	1.2941	1.0600	1.0089	0.551	6203	0.1273	0.0985	0.0961	0.691
3905	0.1954	0.1556	0.1496	0.621	6204	0.1599	0.1273	0.1215	0.604
3906	0.5770	0.4700	0.4455	0.565	6205	0.2967	0.2391	0.2276	0.590
3909	0.3220	0.2536	0.2432	0.650	6206	0.2690	0.2158	0.2048	0.594
4002	1.5699	1.2733	1.1816	0.560	6207	1.2483	1.0339	0.9902	0.528
4101	0.3293	0.2681	0.2518	0.551	6208	0.2935	0.2361	0.2269	0.598
4103	0.5175	0.4090	0.3940	0.643	6209	0.3657	0.2944	0.2811	0.594
4107	0.1967	0.1595	0.1507	0.570	6301	0.1435	0.1195	0.1103	0.473
4108	0.1712	0.1390	0.1314	0.556	6302	0.1954	0.1599	0.1515	0.544
4109	0.2468	0.2020	0.1898	0.539	6303	0.0809	0.0660	0.0624	0.551
4201	0.7668	0.6209	0.5753	0.561	6304	0.4869	0.3927	0.3767	0.601
4301	0.7931	0.6332	0.6019	0.614	6305	0.1210	0.0967	0.0930	0.618
4302	0.7589	0.6128	0.5784	0.581	6306	0.3936	0.3166	0.2998	0.591
4304	1.1651	0.9555	0.9029	0.548	6308	0.0746	0.0599	0.0567	0.597
4305	1.3713	1.1131	1.0302	0.550	6309	0.2147	0.1716	0.1640	0.611
4401	0.4581	0.3812	0.3584	0.497	6402	0.3559	0.2802	0.2686	0.651
4402	0.9894	0.7892	0.7507	0.610	6403	0.1951	0.1565	0.1498	0.603
4404	0.6502	0.5199	0.4946	0.612	6404	0.2577	0.2066	0.1971	0.607
4501	0.2325	0.1833	0.1756	0.647	6405	0.7024	0.5727	0.5365	0.544
4502	0.0495	0.0402	0.0383	0.568	6406	0.1365	0.1082	0.1038	0.634
4504	0.1415	0.1105	0.1068	0.663	6407	0.3279	0.2641	0.2509	0.591
4601	0.8454	0.6926	0.6528	0.549	6408	0.4588	0.3657	0.3455	0.600
4802	0.3326	0.2741	0.2590	0.530	6409	1.0220	0.8442	0.7825	0.503
4803	0.3178	0.2569	0.2464	0.590	6410	0.3358	0.2724	0.2568	0.556
4804	0.6370	0.5098	0.4838	0.609	6501	0.2034	0.1613	0.1538	0.637
4805	0.3489	0.2815	0.2685	0.589	6502	0.0490	0.0393	0.0374	0.601
4806	0.0677	0.0550	0.0521	0.560	6503	0.0863	0.0701	0.0650	0.546
4808	0.5594	0.4598	0.4326	0.533	6504	0.4922	0.3905	0.3756	0.629
4809	0.4508	0.3631	0.3459	0.594	6505	0.1312	0.1044	0.1006	0.624
4810	0.1737	0.1391	0.1335	0.612	6506	0.1286	0.1015	0.0975	0.636
4811	0.3189	0.2565	0.2450	0.590	6508	0.3735	0.2998	0.2874	0.608
4812	0.4699	0.3754	0.3569	0.608	6509	0.4459	0.3590	0.3434	0.598
4813	0.1915	0.1563	0.1490	0.562	6510	0.5409	0.4567	0.4215	0.451
4900	0.3838	0.3213	0.2960	0.464	6511	0.3805	0.3049	0.2918	0.610
4901	0.0919	0.0754	0.0704	0.521	6601	0.2286	0.1845	0.1759	0.592
4902	0.1177	0.0935	0.0886	0.623	6602	0.5102	0.4137	0.3924	0.576
4903	0.1757	0.1378	0.1305	0.658	6603	0.3874	0.3132	0.2948	0.576
4904	0.0374	0.0299	0.0284	0.601	6604	0.0993	0.0792	0.0754	0.620
4905	0.4089	0.3286	0.3151	0.607	6605	0.3764	0.2993	0.2883	0.623

Class	2002	2003	2004	D-Ratio
6607	0.2045	0.1661	0.1571	0.569
6608	0.6192	0.5175	0.4713	0.447
6620	5.4294	4.2046	3.9961	0.691
6704	0.2007	0.1595	0.1513	0.624
6705	1.0391	0.8299	0.8028	0.617
6706	0.3863	0.3150	0.3001	0.556
6707	4.1413	3.1884	3.0724	0.717
6708	9.7342	8.3312	7.9715	0.452
6709	0.3543	0.2812	0.2709	0.639
6801	0.7005	0.5546	0.5219	0.621
6802	0.5126	0.4073	0.3880	0.623
6803	0.9573	0.8240	0.7519	0.378
6804	0.3338	0.2703	0.2541	0.561
6809	5.7966	4.7009	4.4765	0.575
6901	0.0543	0.0415	0.0427	0.736
6902	1.1343	0.9571	0.8696	0.433
6903	0.3283	0.2703	0.2541	0.323
6904	0.4649	0.3653	0.3429	0.654
6905	0.4520	0.3569	0.3366	0.633
6906	0.2122	0.1638	0.1689	0.715
6907	1.3956	1.1239	1.0613	0.592
6908	0.5598	0.4495	0.4252	0.598
6909	0.1396	0.1113	0.1062	0.616
7100	0.0378	0.0313	0.0295	0.502
7101	0.0282	0.0237	0.0221	0.464
7102	5.0817	4.1052	4.0046	0.601
7103	0.6621	0.5395	0.5027	0.548
7104	0.0360	0.0284	0.0271	0.642
7105	0.0378	0.0296	0.0284	0.666
7106	0.2326	0.1853	0.1773	0.625
7107	0.2695	0.2187	0.2095	0.575
7108	0.2380	0.1920	0.1849	0.595
7109	0.1575	0.1252	0.1198	0.629
7110	0.3927	0.3250	0.3023	0.508
7111	0.4408	0.3639	0.3391	0.518
7112	0.7449	0.6029	0.5708	0.571
7113	0.4383	0.3537	0.3386	0.588
7114	0.6840	0.5416	0.5207	0.641
7115	0.6922	0.5518	0.5283	0.618
7116	0.8052	0.6511	0.6187	0.591
7117	1.7991	1.4335	1.3622	0.615
7118	1.5548	1.2448	1.1848	0.606
7119	1.5223	1.2285	1.1602	0.585
7120	7.0870	5.8015	5.4564	0.542
7121	6.6433	5.4387	5.1167	0.542
7122	0.6840	0.5416	0.5207	0.641
7201	1.4688	1.1870	1.1071	0.576
7202	0.0438	0.0357	0.0332	0.541
7203	0.1548	0.1241	0.1199	0.607
7204	0.0000	0.0000	0.0000	1.000
7301	0.5754	0.4762	0.4498	0.524
7302	1.1130	0.9195	0.8693	0.533
7307	0.5899	0.4824	0.4589	0.564
7308	0.3585	0.2850	0.2758	0.631
7309	0.3288	0.2624	0.2526	0.625

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-885, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-885, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-885, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-885, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-885, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-885, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-885, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-885, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-885, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-885, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-885, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035. 96-12-039, § 296-17-885, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-885, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-885, filed 11/23/94, effective 1/1/95; 93-24-114, § 296-17-885, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-885, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-885, filed 11/27/91, effective 1/1/92; 91-12-014, § 296-17-885, filed 5/31/91, effective 7/1/91; 90-24-042, § 296-17-885, filed 11/30/90, effective 1/1/91; 90-13-018, § 296-17-885, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-885, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020(1). 89-16-001 (Order 89-07), § 296-17-885, filed 7/20/89, effective 8/20/89. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-885, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-12-065 (Order 88-05), § 296-17-885, filed 5/31/88; 88-12-050 (Order 88-06), § 296-17-885, filed 5/31/88, effective 7/1/88; 88-06-047 (Order 87-33), § 296-17-885, filed 3/1/88; 87-24-060 (Order 87-26), § 296-17-885, filed 12/1/87, effective 1/1/88; 87-12-032 (Order 87-12), § 296-17-885, filed 5/29/87, effective 7/1/87. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-885, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-885, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-885, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-885, filed 2/28/85, effective 4/1/85; 84-24-016 (Order 84-23), § 296-17-885, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-885, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-885, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-885, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-885, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-885, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-885, filed 11/27/78, effective 1/1/79, effective 1/1/80. Order 77-27, § 296-17-885, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-885, filed 12/1/77; Order 77-10, § 296-17-885, filed 5/31/77; Order 76-36, § 296-17-885, filed 11/30/76; Order 76-18, § 296-17-885, filed 5/28/76, effective 7/1/76; Order 75-38, § 296-17-885, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-885, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-885, filed 11/9/73, effective 1/1/74.]

WAC 296-17-890 Table IV.

Expected Loss Rates in Dollars Per Sq. Ft.
of Wallboard InstalledMaximum experience modifications
for firms with no compensable accidents:
Effective 1/1/2006

Class	2002	2003	2004	D-Ratio
0524	0.0248	0.0206	0.0189	0.473
0526	0.0133	0.0112	0.0102	0.438
0527	0.0011	0.0009	0.0009	0.438
0528	0.0034	0.0028	0.0026	0.493
0529	0.0018	0.0015	0.0014	0.473
0530	0.0327	0.0279	0.0252	0.378
0531	0.0178	0.0152	0.0137	0.391
0532	0.0016	0.0014	0.0012	0.391
0533	0.0042	0.0035	0.0033	0.434
0534	0.0030	0.0025	0.0023	0.378
0540	0.0259	0.0216	0.0198	0.473
0541	0.0142	0.0119	0.0109	0.438
0550	0.0332	0.0284	0.0256	0.378
0551	0.0186	0.0159	0.0143	0.391

Expected Loss Range			Maximum Experience Modification
1	-	2,905	0.90
2,906	-	3,534	0.89
3,535	-	4,192	0.88
4,193	-	4,880	0.87
4,881	-	5,603	0.86
5,604	-	6,361	0.85
6,362	-	7,159	0.84
7,160	-	7,998	0.83
7,999	-	8,882	0.82
8,883	-	9,816	0.81
9,817	-	10,802	0.80

Expected Loss Range			Maximum Experi- ence Modification	Class	Accident Fund	Medical Aid Fund
10,803	-	11,847	0.79	0104	1.1890	0.5209
11,848	-	12,954	0.78	0105	1.6273	0.8626
12,955	-	14,131	0.77	0107	1.5402	0.6622
14,132	-	15,383	0.76	0108	1.1890	0.5209
15,384	-	16,719	0.75	0112	0.9342	0.4573
16,720	-	18,146	0.74	0201	3.1182	1.1403
18,147	-	19,675	0.73	0202	3.7959	1.7571
19,676	-	21,316	0.72	0210	1.5605	0.6115
21,317	-	23,084	0.71	0212	1.6140	0.6799
23,085	-	24,992	0.70	0214	1.6659	0.6528
24,993	-	27,059	0.69	0217	1.3891	0.6051
27,060	-	29,305	0.68	0219	1.0705	0.5971
29,306	-	31,754	0.67	0301	0.6494	0.4089
31,755	-	34,435	0.66	0302	2.4810	0.8697
34,436	-	37,383	0.65	0303	2.4361	0.8739
37,384	-	40,640	0.64	0306	1.3038	0.5123
40,641	-	44,257	0.63	0307	1.1135	0.5331
44,258	-	48,296	0.62	0308	0.5709	0.3927
48,297	-	52,838	0.61	0403	1.9319	1.1305
52,839 & Higher			0.60	0502	1.9519	0.7404
				0504	1.6418	0.8019
				0507	3.4346	1.7575
				0508	2.5557	0.8931
				0509	1.9463	0.7589
				0510	1.8251	0.9186
				0511	2.0611	0.8811
				0512	1.8684	0.7535
				0513	1.0999	0.4801
				0514	2.2714	1.0608
				0516	2.0142	0.8931
				0517	2.0049	1.0194
				0518	1.9774	0.8082
				0519	2.7292	1.1580
				0521	0.6453	0.3491
				0601	0.7893	0.3779
				0602	0.9445	0.4256
				0603	1.3300	0.4828
				0604	1.0466	0.6733
				0606	0.5768	0.3671
				0607	0.5473	0.3210
				0608	0.4546	0.2440
				0701	2.8537	0.7345
				0803	0.5366	0.3250
				0901	1.9774	0.8082
				1002	1.0991	0.6519
				1003	0.9242	0.5153
				1004	0.6115	0.3001
				1005	10.0606	4.3933
				1007	0.4532	0.2273
				1101	0.7815	0.4640
				1102	1.6467	0.7382
				1103	1.3317	0.7833
				1104	0.5551	0.4086
				1105	1.0710	0.5933
				1106	0.3395	0.2765
				1108	0.7077	0.4348
				1109	1.5600	0.9744
				1301	0.8487	0.3704
				1303	0.2469	0.1507

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-890, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-890, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-890, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-890, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-890, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-890, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-890, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-890, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-890, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-890, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-890, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-890, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-890, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-890, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-890, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-890, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-890, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-890, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-890, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-890, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-890, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-890, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-890, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-890, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-890, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-890, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-890, filed 11/30/79, effective 1/1/80.]

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.
Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Base Rates Effective January 1, 2006		
Class	Accident Fund	Medical Aid Fund
0101	1.6667	0.7139
0103	2.0294	0.9182

Workers' Compensation Insurance

296-17-895

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
1304	0.0306	0.0187	3506	1.4514	0.5401
1305	0.4485	0.2772	3509	0.4156	0.3285
1401	0.5165	0.3556	3510	0.4011	0.2721
1404	0.7903	0.5117	3511	0.8038	0.5052
1405	0.6079	0.3753	3512	0.3479	0.2775
1407	0.6990	0.4668	3513	0.4784	0.3590
1501	0.6613	0.3673	3602	0.1317	0.0959
1507	0.5901	0.3266	3603	0.5061	0.3332
1701	1.0877	0.5505	3604	0.8491	0.5972
1702	2.7163	0.9725	3605	0.6089	0.3368
1703	1.2060	0.3676	3701	0.3060	0.2070
1704	1.0877	0.5505	3702	0.4924	0.3347
1801	0.6202	0.3491	3708	0.7507	0.4214
1802	0.8298	0.4127	3802	0.1986	0.1380
2002	0.7620	0.5293	3808	0.5082	0.2679
2004	1.0344	0.6347	3901	0.1598	0.1472
2007	0.4941	0.3051	3902	0.5475	0.3830
2008	0.3583	0.2182	3903	1.0957	0.8900
2009	0.3974	0.3136	3905	0.1523	0.1408
2101	0.7442	0.4735	3906	0.5216	0.3715
2102	0.6095	0.4198	3909	0.2685	0.2180
2104	0.3415	0.2937	4002	1.7271	0.7695
2105	0.6561	0.4143	4101	0.3168	0.1947
2106	0.4611	0.3139	4103	0.4050	0.3712
2201	0.2725	0.1811	4107	0.1815	0.1226
2202	0.8065	0.4685	4108	0.1533	0.1091
2203	0.5048	0.3752	4109	0.2331	0.1498
2204	0.2725	0.1811	4201	0.8508	0.3682
2401	0.5503	0.3272	4301	0.7154	0.5029
2903	0.7091	0.4978	4302	0.7207	0.4572
2904	0.8083	0.5403	4304	1.0793	0.7356
2905	0.5751	0.4428	4305	1.5167	0.6592
2906	0.3735	0.2377	4401	0.4228	0.2897
2907	0.5634	0.4034	4402	0.8686	0.6393
2908	1.2207	0.6328	4404	0.5823	0.4166
2909	0.4155	0.2960	4501	0.1970	0.1556
3101	1.1844	0.5697	4502	0.0415	0.0340
3102	0.3060	0.2070	4504	0.1056	0.1033
3103	0.6309	0.3837	4601	0.8062	0.5159
3104	0.6947	0.3585	4802	0.2995	0.2156
3105	0.8220	0.5389	4803	0.2554	0.2277
3303	0.4833	0.3067	4804	0.5866	0.3966
3304	0.4806	0.3905	4805	0.2944	0.2376
3309	0.4740	0.3056	4806	0.0589	0.0447
3402	0.5977	0.3631	4808	0.5288	0.3427
3403	0.2248	0.1408	4809	0.3928	0.2985
3404	0.5414	0.3628	4810	0.1413	0.1223
3405	0.3571	0.2217	4811	0.2620	0.2207
3406	0.2129	0.1716	4812	0.4157	0.3024
3407	0.7800	0.4469	4813	0.1615	0.1322
3408	0.1977	0.1193	4900	0.4203	0.1921
3409	0.1760	0.1425	4901	0.0918	0.0518
3410	0.2818	0.2192	4902	0.1100	0.0712
3411	0.5652	0.3113	4903	0.1710	0.1008
3412	0.7102	0.3337	4904	0.0327	0.0242
3414	0.6435	0.3556	4905	0.3334	0.2884
3415	0.8990	0.4995	4906	0.1089	0.0696
3501	1.1818	0.7067	4907	0.0532	0.0387
3503	0.2910	0.2762	4908	0.0871	0.1458

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
4909	0.0402	0.0640	6503	0.0935	0.0427
4910	0.4994	0.3196	6504	0.3848	0.3529
5001	6.2800	2.4003	6505	0.1001	0.0962
5002	0.6881	0.3928	6506	0.1040	0.0890
5003	2.4567	0.9638	6509	0.3704	0.3088
5004	1.0147	0.6423	6510	0.5882	0.2795
5005	0.6985	0.3299	6511	0.3178	0.2617
5006	2.0512	0.8452	6601	0.1971	0.1535
5101	1.0291	0.6327	6602	0.4588	0.3286
5103	0.7765	0.5937	6603	0.3750	0.2278
5106	0.7765	0.5937	6604	0.0873	0.0646
5108	0.9811	0.6798	6605	0.2871	0.2751
5109	0.7020	0.4028	6607	0.1886	0.1281
5201	0.4875	0.2933	6608	0.7260	0.2664
5204	1.0538	0.6174	6614	970*	759*
5206	0.4817	0.2459	6615	332*	278*
5207	0.1662	0.1577	6616	237*	167*
5208	0.9682	0.5996	6617	90*	64*
5209	0.8769	0.5024	6618	99*	50*
5301	0.0338	0.0261	6620	5.2052	3.1434
5302	0.0226	0.0160	6704	0.1870	0.1224
5305	0.0522	0.0465	6705	0.7436	0.8004
5306	0.0632	0.0500	6706	0.3189	0.2689
5307	0.5971	0.3322	6707	3.5422	2.7284
6103	0.0762	0.0752	6708	7.2474	7.7311
6104	0.3845	0.2969	6709	0.2805	0.2541
6105	0.3820	0.2308	6801	0.6933	0.3908
6107	0.1253	0.1285	6802	0.4493	0.3320
6108	0.4155	0.3619	6803	1.0793	0.4628
6109	0.1019	0.0671	6804	0.3197	0.1970
6110	0.6422	0.4177	6809	4.9672	3.9116
6201	0.3859	0.2058	6901	0.0000	0.0646
6202	0.6887	0.4884	6902	1.3737	0.4702
6203	0.0839	0.1007	6903	9.2654	4.0006
6204	0.1301	0.1093	6904	0.4954	0.2367
6205	0.2585	0.1960	6905	0.4448	0.2549
6206	0.2400	0.1717	6906	0.0000	0.2549
6207	0.9595	0.9400	6907	1.3407	0.8325
6208	0.2284	0.2140	6908	0.5268	0.3400
6209	0.3065	0.2502	6909	0.1194	0.0930
6301	0.1540	0.0733	7100	0.0343	0.0242
6302	0.1712	0.1291	7101	0.0267	0.0173
6303	0.0735	0.0513	7102	3.2317	4.2799
6304	0.3980	0.3448	7103	0.6939	0.3507
6305	0.0939	0.0882	7104	0.0325	0.0227
6306	0.3622	0.2446	7105	0.0320	0.0252
6308	0.0682	0.0465	7106	0.1962	0.1576
6309	0.1806	0.1456	7107	0.2121	0.1954
6402	0.2992	0.2395	7108	0.1801	0.1781
6403	0.1587	0.1366	7109	0.1319	0.1071
6404	0.2227	0.1714	7110	0.4097	0.2124
6405	0.6891	0.4046	7111	0.4567	0.2412
6406	0.1121	0.0943	7112	0.6717	0.4732
6407	0.2903	0.2129	7113	0.3535	0.3104
6408	0.4236	0.2778	7114	0.5515	0.4804
6409	1.0814	0.5343	7115	0.5717	0.4762
6410	0.3073	0.2082	7116	0.7301	0.5178
6501	0.1833	0.1293	7117	1.6140	1.1401
6502	0.0428	0.0320	7118	1.3678	1.0116

Class	Accident Fund	Medical Aid Fund
7119	1.4485	0.9175
7120	6.7543	4.2809
7121	6.3091	4.0293
7122	0.5515	0.4804
7201	1.5727	0.7553
7202	0.0454	0.0232
7203	0.1113	0.1192
7204	0.0000	0.0000
7301	0.5252	0.3714
7302	1.0210	0.7168
7307	0.5208	0.3937
7308	0.2623	0.2718
7309	0.2590	0.2375

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-895, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-895, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020 and 51.16.035. 04-13-017, § 296-17-895, filed 6/4/04, effective 7/5/04. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-895, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-895, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-895, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-895, filed 12/1/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-895, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-895, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-895, filed 12/1/98, effective 1/1/99. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-895, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 97-24-062, § 296-17-895, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-895, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035. 96-12-039, § 296-17-895, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.16.035 and 51.32.073. 96-06-025, § 296-17-895, filed 2/28/96, effective 4/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-895, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-895, filed 11/28/94, effective 1/1/95. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-051, § 296-17-895, filed 5/27/94, effective 7/1/94. Statutory Authority: RCW 51.04.020. 93-24-114, § 296-17-895, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-895, filed 5/31/93, effective 7/1/93; 92-24-063, § 296-17-895, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-895, filed 11/27/91, effective 1/1/92; 91-12-014, § 296-17-895, filed 5/31/91, effective 7/1/91; 90-24-042, § 296-17-895, filed 11/30/90, effective 1/1/91; 90-13-018, § 296-17-895, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-895, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020(1). 89-16-001 (Order 89-07), § 296-17-895, filed 7/20/89, effective 8/20/89. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-895, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-12-065 (Order 88-05), § 296-17-895, filed 5/31/88; 88-12-050 (Order 88-06), § 296-17-895, filed 5/31/88, effective 7/1/88; 88-06-047 (Order 87-33), § 296-17-895, filed 3/1/88; 87-24-060 (Order 87-26), § 296-17-895, filed 12/1/87, effective 1/1/88; 87-12-032 (Order 87-12), § 296-17-895, filed 5/29/87, effective 7/1/87. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-895, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-895, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-895, filed 11/27/85, effective 1/1/86; 85-13-046 (Order 85-13), § 296-17-895, filed 6/17/85; 85-06-026 (Order 85-7), § 296-17-895, filed 2/28/85, effective 4/1/85; 84-24-016 (Order 84-23), § 296-17-895, filed 11/28/84, effective 1/1/85. Statutory Authority: RCW 51.04.020(1). 84-12-048 (Order 84-12), § 296-17-895, filed 6/1/84. Statutory Authority: RCW 51.16.035. 83-24-017 (Order 83-36), § 296-17-895, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-895, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-895, filed 11/30/81, effective 1/1/82; 81-04-024 (Order 81-02), § 296-17-895, filed 1/30/81; 80-17-016 (Order 80-23), § 296-17-895, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-895, filed 11/30/79, effective

1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-895, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-895, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-895, filed 12/1/77; Order 77-10, § 296-17-895, filed 5/31/77; Order 76-36, § 296-17-895, filed 11/30/76; Order 76-18, § 296-17-895, filed 5/28/76, effective 7/1/76; Order 75-38, § 296-17-895, filed 11/24/75, effective 1/1/76; Order 75-28, § 296-17-895, filed 8/29/75, effective 10/1/75; Order 74-40, § 296-17-895, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-895, filed 11/9/73, effective 1/1/74.]

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective
January 1, 2006

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0540	0.0301	0.0115	0.0005
0541	0.0169	0.0061	0.0005
0550	0.0412	0.0128	0.0005
0551	0.0230	0.0073	0.0005

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-89502, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-89502, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-89502, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-89502, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010; 01-23-061, § 296-17-89502, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-89502, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-89502, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-89502, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-89502, filed 12/1/97, effective 1/1/98; 97-12-011, § 296-17-89502, filed 5/27/97, effective 7/1/97; 97-06-007, § 296-17-89502, filed 2/24/97, effective 4/1/97.]

WAC 296-17-90492 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 2006

Size Group Number	Standard Premium Range
63	\$4,852 - \$5,862
62	5,863 - 7,040
61	7,041 - 8,376
60	8,377 - 9,910
59	9,911 - 11,665
58	11,666 - 13,639
57	13,640 - 15,889
56	15,890 - 18,269
55	18,270 - 20,789
54	20,790 - 23,439
53	23,440 - 26,239
52	26,240 - 29,179
51	29,180 - 32,249
50	32,250 - 35,479
49	35,480 - 38,859
48	38,860 - 42,289
47	42,290 - 45,729
46	45,730 - 49,509

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
45	49,510 - 53,709	19	667,500 - 770,499
44	53,710 - 58,389	18	770,500 - 897,399
43	58,390 - 63,569	17	897,400 - 1,055,599
42	63,570 - 69,369	16	1,055,600 - 1,282,999
41	69,370 - 75,869	15	1,283,000 - 1,597,999
40	75,870 - 83,119	14	1,598,000 - 2,041,999
39	83,120 - 91,309	13	2,042,000 - 2,609,999
38	91,310 - 100,579	12	2,610,000 - 3,332,999
37	100,580 - 111,019	11	3,333,000 - 4,417,999
36	111,020 - 122,199	10	4,418,000 - 6,119,999
35	122,200 - 134,299	9	6,120,000 - 8,820,999
34	134,300 - 147,799	8	8,821,000 - 12,779,999
33	147,800 - 162,499	7	12,780,000 - 18,819,999
32	162,500 - 178,799	6	18,820,000 - 29,259,999
31	178,800 - 195,699	5	29,260,000 - 46,189,999
30	195,700 - 214,499	4	46,190,000 & Over 99,999,999
29	214,500 - 235,799	[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-90492, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-90492, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90492, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90492, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90492, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90492, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90492, filed 5/12/00, effective 7/1/00.]	
28	235,800 - 259,899		
27	259,900 - 287,799		
26	287,800 - 319,899		
25	319,900 - 356,799		
24	356,800 - 399,999		
23	400,000 - 450,899		
22	450,900 - 510,399		
21	510,400 - 581,599		
20	581,600 - 667,499		

WAC 296-17-90493 Table II.

RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .729
Effective January 1, 2006

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252

Workers' Compensation Insurance

296-17-90494

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221
34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-90493, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90493, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90493, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90493, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90493, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90493, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90494 Table III.

RETROSPECTIVE RATING PLAN A1
 MINIMUM PREMIUM RATIOS
 BASIC PREMIUM RATIO = .058
 LOSS CONVERSION FACTOR = .729
 Effective January 1, 2006

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-90494, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90494, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90494, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90494, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90494, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90494, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90495 Table IV.

RETROSPECTIVE RATING PLAN A2 MINIMUM PREMIUM RATIOS AND BASIC PREMIUM RATIOS LOSS CONVERSION FACTOR = .729 Effective January 1, 2006

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63 Basic Premium Ratio	.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
Minimum Premium Ratio	.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62 Basic Premium Ratio	.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
Minimum Premium Ratio	.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61 Basic Premium Ratio	.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
Minimum Premium Ratio	.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730
60 Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721

Workers' Compensation Insurance

296-17-90495

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660
50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623
41	Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
	Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40	Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
	Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609
39	Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
	Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38	Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
	Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37	Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150
	Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36	Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
	Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
35	Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
	Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34	Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
	Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587
33	Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
	Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32	Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
	Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31	Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
	Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30	Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
	Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29	Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
	Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28	Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
	Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27	Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
	Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26	Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
	Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25	Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
	Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542
24	Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
	Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23	Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
	Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564
22	Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
	Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580
21	Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
	Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20	Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
	Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19	Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
	Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606

Workers' Compensation Insurance

296-17-90496

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073, 05-23-162, § 296-17-90495, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010, 03-24-066, § 296-17-90495, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1), 02-24-029, § 296-17-90495, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010, 01-23-061, § 296-17-90495, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90495, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010, 00-11-060, § 296-17-90495, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90496 Table V.

RETROSPECTIVE RATING PLAN A3 MINIMUM PREMIUM RATIOS AND BASIC PREMIUM RATIOS LOSS CONVERSION FACTOR = .729 Effective January 1, 2006

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
	Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682
62	Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
	Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61	Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
	Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60	Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
	Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59	Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
	Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58	Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
	Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57	Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
	Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56	Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
	Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55	Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
	Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54	Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
	Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53	Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
	Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
52	Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
	Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51	Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
	Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573
50	Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
	Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49	Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
	Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555
48	Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
	Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547
47	Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
	Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46	Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
	Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534
45	Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
	Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44	Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
	Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523
43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427

Workers' Compensation Insurance

296-17-90496

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151
	Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27	Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
	Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400
26	Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
	Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25	Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
	Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24	Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
	Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23	Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
	Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22	Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
	Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21	Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
	Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20	Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
	Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19	Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
	Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18	Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
	Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352
17	Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
	Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16	Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
	Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15	Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
	Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346
14	Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
	Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13	Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
	Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12	Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
	Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345
11	Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
	Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-90496, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90496, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90496, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90496, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90496, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90496, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90497 Table VI.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 2006

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62	Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
	Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60	Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
	Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59	Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
	Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57	Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
	Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229
56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276
53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461

Workers' Compensation Insurance

296-17-90497

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925
30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827	.812
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817	.805
18	Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810	.799
17	Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803	.794
16	Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798	.790
15	Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794	.788
14	Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793	.787
13	Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791	.786
12	Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790	.785
11	Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788	.784
10	Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786	.782
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784	.781
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783	.780
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782	.779
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780	.778
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779	.777

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-90497, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90497, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90497, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90497, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90497, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90497, filed 5/12/00, effective 7/1/00.]

WAC 296-17-920 Assessment for supplemental pension fund. The amount of 31.2 mills (\$.0312) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit

to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.32.073. 05-23-162, § 296-17-920, filed 11/22/05, effective 1/1/06; 04-24-025, § 296-17-920, filed 11/23/04, effective 1/1/05. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-920, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-920, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-920, filed 11/20/01, effective

1/1/02; 00-23-101, § 296-17-920, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-920, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-920, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-920, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-920, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035 and 51.32.073. 96-06-025, § 296-17-920, filed 2/28/96, effective 4/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-920, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-920, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-920, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-920, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-920, filed 11/27/91, effective 1/1/92; 89-24-051 (Order 89-22), § 296-17-920, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020 and 51.32.073. 87-04-006 (Order 86-49), § 296-17-920, filed 1/23/87. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-920, filed 5/30/86, effective 7/1/86; 83-24-017 (Order 83-36), § 296-17-920, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-920, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-920, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-920, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-920, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-920, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-920, filed 11/30/77, effective 1/1/78; Order 77-10, § 296-17-920, filed 5/31/77; Order 76-36, § 296-17-920, filed 11/30/76; Order 75-38, § 296-17-920, filed 11/24/75, effective 1/1/76; Order 75-28, § 296-17-920, filed 8/29/75, effective 10/1/75; Order 74-40, § 296-17-920, filed 11/27/74, effective 1/1/75; Order 74-6, § 296-17-920, filed 1/23/74.]

Chapter 296-20 WAC MEDICAL AID RULES

WAC

296-20-010	General information.
296-20-1102	Special equipment rental and purchase prosthetic and orthotics equipment.
296-20-135	Conversion factors.

WAC 296-20-010 General information. (1) The following rules are promulgated pursuant to RCW 51.04.020 and 51.04.030. The department or self-insurer may purchase necessary physician and other provider services according to the fee schedules. The fee schedules shall be established in consultation with interested persons and updated at times determined by the department in consultation with those interested persons. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
Interested Person's Mailing List for the Fee Schedules
P.O. Box 44322
Olympia, WA 98504-4322

As an alternative, interested persons may subscribe to the L&I medical provider news listserv. To subscribe, go to the department's website at www.lni.wa.gov and click on the link "Provider billing & payment." Look for the icon that says "Get E-mail Updates" and click on it.

The department or self-insurer will require the current version of the federal Health Care Common Procedure Coding System (HCPCS) Level I (or CPT) and II codes on Janu-

ary 1, of each new year. CPT refers to the American Medical Association's Physicians' Current Procedural Terminology codes.

The adoption of these codes on an annual basis is designed to reduce the administrative burden on providers and lead to more accurate reporting of services. However, the inclusion of a service, product or supply within these new codes does not necessarily imply coverage, reimbursement or endorsement, by the department or self-insurer. The department will make coverage and reimbursement decisions for these new codes on an individual basis.

If there are any services, procedures or narrative text contained in the new HCPCS Level I and II codes that conflict with the medical aid rules or fee schedules, the department's rules and policies take precedence.

Copies of the HCPCS Level I and II codes are available for public inspection. These documents are available in each of the department's service locations.

Copies of the HCPCS Level II codes may be purchased from:

The Superintendent of Documents
United States Government Printing Office
Washington, DC 20402
(202) 783-3238

Copies of the Level I (or CPT) codes may be purchased from:

The American Medical Association
Chicago, Illinois 60601
(800) 621-8335

In addition to the sources listed above, both the Level I and II codes may be purchased from a variety of private sources.

(2) The fee schedules are intended to cover all services for accepted industrial insurance claims. All fees listed are the maximum fees allowable. Practitioners shall bill their usual and customary fee for services. **If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department or self-insurer at the lower rate.** The department or self-insurer will pay the lesser of the billed charge or the fee schedules' maximum allowable.

(3) The rules contained in the introductory section pertain to *all* practitioners regardless of specialty area or limitation of practice. Additional rules pertaining to specialty areas will be found in the appropriate section of the medical aid rules.

(4) The methodology for making conversion factor cost of living adjustments is listed in WAC 296-20-132. The conversion factors are listed in WAC 296-20-135.

(5) No fee is payable for missed appointments unless the appointment is for an examination arranged by the department or self-insurer.

(6) When a claim has been accepted by the department or self-insurer, no provider or his/her representative may bill the worker for the difference between the allowable fee and the usual and customary charge. Nor can the worker be charged a fee, either for interest or completion of forms, related to services rendered for the industrial injury or condition. Refer to chapter 51.04 RCW.

(7) Practitioners must maintain documentation in claimant medical or health care service records adequate to verify the level, type, and extent of services provided to claimants. A health care practitioner's bill for services, appointment book, accounting records, or other similar methodology do not qualify as appropriate documentation for services rendered. Refer to chapter 296-20 WAC and department policy for reporting requirements.

(8) Except as provided in WAC 296-20-055 (Limitation of treatment and temporary treatment of unrelated conditions when retarding recovery), practitioners shall bill, and the department or self-insurer shall pay, only for proper and necessary medical care required for the diagnosis and curative or rehabilitative treatment of the accepted condition.

(9) When a worker is being treated concurrently for an unrelated condition the fee allowable for the service(s) rendered must be shared proportionally between the payors.

(10) Correspondence: Correspondence pertaining to state fund and department of energy claims should be sent to: Department of Labor and Industries, Claims Administration, P.O. Box 44291, Olympia, Washington 98504-4291.

Accident reports should be sent to: Department of Labor and Industries, P.O. Box 44299, Olympia, Washington 98504-4299.

Send provider bills by type (UB-92) to: Department of Labor and Industries, P.O. Box 44266, Olympia, Washington 98504-4266.

Adjustments, Home Nursing, Retraining, Job Modification, and Miscellaneous to: Department of Labor and Industries, P.O. Box 44267, Olympia, Washington 98504-4267.

Pharmacy to: Department of Labor and Industries, P.O. Box 44268, Olympia, Washington 98504-4268.

HCFA-1500 to: Department of Labor and Industries, P.O. Box 44269, Olympia, Washington 98504-4269.

State fund claims have six digit numbers or a letter and five digits preceded by a letter other than "S," "T," or "W."

All correspondence and billings pertaining to *crime victims* claims should be sent to Crime Victims Division, Department of Labor and Industries, P.O. Box 44520, Olympia, Washington 98504-4520.

Crime victim claims have six digit numbers preceded by a "V" or five digit numbers preceded by "VA," "VB," "VC," "VH," "VJ," or "VK."

All correspondence and billings pertaining to self-insured claims should be sent directly to the employer or the service representative as the case may be.

Self-insured claims are six digit numbers or a letter and five digits preceded by an "S," "T," or "W."

Communications to the department or self-insurer must show the patient's full name and claim number. If the claim number is unavailable, providers should contact the department or self-insurer for the number, indicating the patient's name, Social Security number, the date and the nature of the injury, and the employer's name. A communication should refer to one claim only. Correspondence must be legible and reproducible, as department records are microfilmed. Correspondence regarding specific claim matters should be sent directly to the department in Olympia or self-insurer in order to avoid rehandling by the service location.

(11) The department's various local service locations should be utilized by providers to obtain information, sup-

plies, or assistance in dealing with matters pertaining to industrial injuries.

[Statutory Authority: RCW 51.04.020, 05-09-063, § 296-20-010, filed 4/19/05, effective 7/1/05; 03-21-069, § 296-20-010, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020(4) and 51.04.030, 96-10-086, § 296-20-010, filed 5/1/96, effective 7/1/96. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159, 94-14-044, § 296-20-010, filed 6/29/94, effective 7/30/94; 93-16-072, § 296-20-010, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030, 92-24-066, § 296-20-010, filed 12/1/92, effective 1/1/93; 90-04-057, § 296-20-010, filed 2/2/90, effective 3/5/90; 87-24-050 (Order 87-23), § 296-20-010, filed 11/30/87, effective 1/1/88; 86-20-074 (Order 86-36), § 296-20-010, filed 10/1/86, effective 11/1/86; 86-06-032 (Order 86-19), § 296-20-010, filed 2/28/86, effective 4/1/86; 83-16-066 (Order 83-23), § 296-20-010, filed 8/2/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3), 81-24-041 (Order 81-28), § 296-20-010, filed 11/30/81, effective 1/1/82; 81-01-100 (Order 80-29), § 296-20-010, filed 12/23/80, effective 3/1/81; Order 76-34, § 296-20-010, filed 11/24/76, effective 1/1/77; Order 75-39, § 296-20-010, filed 11/28/75, effective 1/1/76; Order 74-7, § 296-20-010, filed 1/30/74; Order 70-12, § 296-20-010, filed 12/1/70, effective 1/1/71; Order 68-7, § 296-20-010, filed 11/27/68, effective 1/1/69.]

WAC 296-20-1102 Special equipment rental and purchase prosthetic and orthotics equipment.

The department or self-insurer will authorize and pay rental fee for equipment or devices if the need for the equipment will be for a short period of treatment during the acute phase of condition. Rental extending beyond sixty days requires prior authorization. If the equipment will be needed on long term basis, the department or self-insurer will consider purchase of the equipment or device. The department's or self-insurer's decision to rent or purchase an item of medical equipment will be based on a comparison of the projected rental costs of the item with its purchase price. An authorized representative of the department or self-insurer will decide whether to rent or purchase certain items, provided they are appropriate and medically necessary for treatment of the worker's accepted industrial condition. Decisions to rent or purchase items will be based on the following information:

- (1) Purchase price of the item.
- (2) Monthly rental fee.
- (3) The prescribing doctor's estimate of how long the item will be needed.

The prescribing doctor must obtain prior authorization from the department or self-insurer, for rental or purchase of special equipment or devices. Also, all equipment (rentals and purchases), prosthetics, and orthotics must be billed using the appropriate codes, and billing forms, as determined by the medical aid rules and fee schedules.

The department or self-insurer will authorize and pay for prosthetics and orthotics as needed by the worker and substantiated by attending doctor. If such items are furnished by the attending doctor, the department or self-insurer will reimburse the doctor his cost for the item. See chapter 296-20 WAC (including WAC 296-20-124) and the fee schedules for information regarding replacement of such items on closed claims.

The department or self-insurer will repair or replace originally provided damaged, broken, or worn-out prosthetics, orthotics, or special equipment devices upon documentation and substantiation from the attending doctor.

Provision of such equipment requires prior authorization.

THE GRAVITY GUIDING SYSTEM, GRAVITY LUMBAR REDUCTION DEVICE, BACKSWING AND OTHER INVERSION TRACTION EQUIPMENT MAY ONLY BE USED IN A SUPERVISED SETTING. RENTAL OR PURCHASE FOR HOME USE WILL NOT BE ALLOWED NOR PAID BY THE DEPARTMENT OR SELF-INSURER.

EQUIPMENT NOT REQUIRING PRIOR AUTHORIZATION INCLUDES CRUTCHES, CERVICAL COLLARS, LUMBAR AND RIB BELTS, AND OTHER COMMONLY USED ORTHOTICS OF MINIMAL COST.

PERSONAL APPLIANCES SUCH AS VIBRATORS, HEATING PADS, HOME FURNISHINGS, HOT TUBS, WATERBEDS, EXERCISE BIKES, EXERCISE EQUIPMENT, JACUZZIES, PILLOWS, CASSETTE TAPES, EDUCATIONAL MATERIALS OR BOOKS, AND OTHER SIMILAR ITEMS WILL NOT BE AUTHORIZED OR PAID.

In no case will the department or self-insurer pay for rental fees once the purchase price of the rented item has been reached with the exception of oxygen equipment. The department or self-insurer may pay for rental fees of oxygen equipment beyond its purchase price.

[Statutory Authority: RCW 51.04.020 and 51.04.030. 05-23-143, § 296-20-1102, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 93-16-072, § 296-20-1102, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 87-22-052 (Order 87-22), § 296-20-1102, filed 11/2/87; 86-06-032 (Order 86-19), § 296-20-1102, filed 2/28/86, effective 4/1/86; 83-16-066 (Order 83-23), § 296-20-1102, filed 8/2/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-1102, filed 11/30/81, effective 1/1/82; 81-01-100 (Order 80-29), § 296-20-1102, filed 12/23/80, effective 3/1/81.]

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of \$52.23. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of \$2.90 per minute, which is equivalent to \$43.50 per 15 minutes. The base units and payment policies can be found in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. 05-09-062, § 296-20-135, filed 4/19/05, effective 7/1/05; 04-09-100, § 296-20-135, filed 4/20/04, effective 7/1/04; 03-14-043, § 296-20-135, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-20-135, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-20-135, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-20-135, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-20-135, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-20-135, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-20-135, filed 4/28/97, effective 7/1/97. Statutory Authority: RCW 51.04.020 and 51.04.030. 96-19-060, § 296-20-135, filed 9/16/96, effective 10/17/96; 96-10-086, § 296-20-135, filed 5/1/96, effective 7/1/96; 95-17-001, § 296-20-135, filed 8/2/95, effective 10/1/95; 95-05-072, § 296-20-135, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045 and 94-03-008, § 296-20-135, filed 12/30/93 and 1/6/94, effective 3/1/94; 93-16-072, § 296-20-135, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 91-02-063, § 296-20-135, filed 12/28/90, effective 1/28/91; 88-24-011 (Order 88-28), § 296-20-135, filed 12/1/88, effective 1/1/89; 87-03-004 (Order 86-45), § 296-20-135, filed 1/8/87; 83-24-016 (Order 83-35), § 296-20-135, filed 11/30/83, effective 1/1/84; 82-24-050 (Order 82-39), § 296-20-135, filed 11/29/82, effective 7/1/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-135, filed 11/30/81, effective 1/1/82; 80-18-033 (Order 80-24), § 296-20-135, filed 12/1/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-20-135, filed 11/30/79, effective 1/1/80; Order 77-27,

§ 296-20-135, filed 11/30/77, effective 1/1/78; Order 76-34, § 296-20-135, filed 11/24/76, effective 1/1/77; Order 75-39, § 296-20-135, filed 11/28/75, effective 1/1/76; Order 74-7, § 296-20-135, filed 1/30/74; Order 71-6, § 296-20-135, filed 6/1/71; Order 68-7, § 296-20-135, filed 11/27/68, effective 1/1/69.]

Chapter 296-23 WAC

RADIOLOGY, RADIATION THERAPY, NUCLEAR MEDICINE, PATHOLOGY, HOSPITAL, CHIROPRACTIC, PHYSICAL THERAPY, DRUGLESS THERAPEUTICS AND NURSING— DRUGLESS THERAPEUTICS, ETC.

WAC

296-23-220

296-23-230

296-23-250

Physical therapy rules.

Occupational therapy rules.

Massage therapy rules.

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. In addition, physician assistants may order physical therapy under these rules for the attending doctor. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or [\$107.45] [\$104.12] whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve

treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020 and 51.04.030. 05-18-030, § 296-23-220, filed 8/30/05, effective 10/1/05. Statutory Authority: RCW 51.04.020(1) and 51.04.030. 05-09-062, § 296-23-220, filed 4/19/05, effective 7/1/05; 04-09-100, § 296-23-220, filed 4/20/04, effective 7/1/04; 03-14-043, § 296-23-220, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-23-220, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-23-220, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-23-220, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-23-220, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-23-220, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-23-220, filed 4/28/97, effective 7/1/97; 96-10-086, § 296-23-220, filed 5/1/96, effective 7/1/96; 95-05-072, § 296-23-220, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045, § 296-23-220, filed 12/30/93, effective 3/1/94; 93-16-072, § 296-23-220, filed 8/1/93, effective 9/1/93.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. In addition, physician assistants may order occupational therapy under these rules for the attending doctor. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor or by the physician assistant.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or [\$107.45] [\$104.12] whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020 and 51.04.030. 05-18-030, § 296-23-230, filed 8/30/05, effective 10/1/05. Statutory Authority: RCW 51.04.020(1) and 51.04.030. 05-09-062, § 296-23-230, filed 4/19/05, effective 7/1/05; 04-09-100, § 296-23-230, filed 4/20/04, effective 7/1/04; 03-14-043, § 296-23-230, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-23-230, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-23-230, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-23-230, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-23-230, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-23-230, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-23-230, filed 4/28/97, effective 7/1/97; 96-10-086, § 296-23-230, filed 5/1/96, effective 7/1/96; 95-05-072, § 296-23-230, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045, § 296-23-230, filed 12/30/93, effective 3/1/94; 93-16-072, § 296-23-230, filed 8/1/93, effective 9/1/93.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 296-23-250 Massage therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers. See WAC 296-20-125 for billing instructions.

Refer to WAC 296-20-132 and 296-20-135 for information regarding use of the conversion factors.

Massage therapy treatment will be permitted when given by a licensed massage practitioner only upon written orders from the worker's attending doctor. In addition, physician assistants may order massage therapy under these rules for the attending doctor.

A progress report must be submitted to the attending doctor and the department or the self-insurer following six treatment visits or one month, whichever comes first. Massage therapy treatment beyond the initial six treatments will be authorized only upon substantiation of improvement in the worker's condition in terms of functional modalities, i.e., range of motion; sitting and standing tolerance; reduction in medication; etc. In addition, an outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Massage therapy in the home and/or places other than the practitioners usual and customary business facilities will be allowed only upon prior justification and authorization by the department or self-insurer.

No inpatient massage therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

Massage therapy treatments exceeding once per day must be justified by attending doctor.

Billing codes, reimbursement levels, and supporting policies for massage therapy services are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020 and 51.04.030. 05-18-030, § 296-23-250, filed 8/30/05, effective 10/1/05. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 93-16-072, § 296-23-250, filed 8/1/93, effective 9/1/93.]

Chapter 296-24 WAC

GENERAL SAFETY AND HEALTH STANDARDS

WAC

296-24-67515	Personal protective equipment.
296-24-67517	Air supply and air compressors.
296-24-71515	Beryllium.
296-24-71519	Mercury.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-24-233	Motor vehicle trucks and trailers. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 04-20-079, § 296-24-233, filed 10/5/04, effective 2/1/05. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-233, filed 7/20/94, effective 9/20/94; Order 76-29, § 296-24-233, filed 9/30/76; Order 76-6, § 296-24-233, filed 3/1/76; Order 75-11, § 296-24-233, filed 4/4/75; Order 74-27, § 296-24-233, filed 5/7/74; Order 73-5, § 296-24-233, filed 5/9/73 and Order 73-4, § 296-24-233, filed 5/7/73.] Repealed by 05-17-059, filed 8/10/05, effective 10/1/05. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-865 WAC.
296-24-58505	Fire brigades. [Statutory Authority: RCW 49.17.040. 99-05-080, § 296-24-58505, filed 2/17/99, effective 6/1/99. Statutory Authority: RCW 49.17.040 and

296-24-58507	49.17.050. 82-02-003 (Order 81-32), § 296-24-58505, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58509	Organization. [Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58507, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58511	Training and education. [Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58509, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58513	Fire fighting equipment. [Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58511, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58515	Protective clothing. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-58513, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-24-58513, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-24-58513, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-58513, filed 7/20/94, effective 9/20/94; 92-23-017 (Order 92-13), § 296-24-58513, filed 11/10/92, effective 12/18/92; 90-03-029 (Order 89-20), § 296-24-58513, filed 1/11/90, effective 2/26/90; 88-14-108 (Order 88-11), § 296-24-58513, filed 7/6/88; 87-24-051 (Order 87-24), § 296-24-58513, filed 11/30/87. Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58513, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58516	Respiratory protection devices. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-58515, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-24-58515, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-58515, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58515, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-58517	Procedures for interior structural fire fighting. [Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-24-58516, filed 5/4/99, effective 9/1/99.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
296-24-780	Appendix A—Fire brigades. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-58517, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-24-58517, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-24-58517, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-58517, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040 and 49.17.050. 82-02-003 (Order 81-32), § 296-24-58517, filed 12/24/81.] Repealed by 06-01-073, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-811 WAC.
	Portable wood ladders. [Order 73-5, § 296-24-780, filed 5/9/73 and Order 73-4, § 296-24-780, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

- 296-24-78003 Application of requirements. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-24-78003, filed 8/8/01, effective 9/1/01; Order 73-5, § 296-24-78003, filed 5/9/73 and Order 73-4, § 296-24-78003, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-78005 Materials. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-24-78005, filed 8/8/01, effective 9/1/01; Order 73-5, § 296-24-78005, filed 5/9/73 and Order 73-4, § 296-24-78005, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-78007 Construction requirements. [Statutory Authority: Chapter 49.17 RCW. 90-03-029 (Order 89-20), § 296-24-78007, filed 1/11/90, effective 2/26/90; Order 73-5, § 296-24-78007, filed 5/9/73 and Order 73-4, § 296-24-78007, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-78009 Ladder tests. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-24-78009, filed 8/8/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-78009, filed 7/20/94, effective 9/20/94; 88-11-021 (Order 88-04), § 296-24-78009, filed 5/11/88. Statutory Authority: RCW 49.17.040, 49.17.150 and 49.17.240. 79-08-115 (Order 79-9), § 296-24-78009, filed 7/31/79; Order 76-6, § 296-24-78009, filed 3/1/76; Order 73-5, § 296-24-78009, filed 5/9/73 and Order 73-4, § 296-24-78009, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-795 Portable metal ladders. [Order 73-5, § 296-24-795, filed 5/9/73 and Order 73-4, § 296-24-795, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-79501 Terms. [Order 73-5, § 296-24-79501, filed 5/9/73 and Order 73-4, § 296-24-79501, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-79503 Requirements. [Order 73-5, § 296-24-79503, filed 5/9/73 and Order 73-4, § 296-24-79503, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-24-79505 Testing. [Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-79505, filed 7/20/94, effective 9/20/94; Order 73-5, § 296-24-79505, filed 5/9/73 and Order 73-4, § 296-24-79505, filed 5/7/73.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

WAC 296-24-67515 Personal protective equipment.

(1) Employers must use only respirators certified by NIOSH under 42 CFR part 84 for protecting employees from dusts produced during abrasive-blasting operations.

(2) Abrasive-blasting respirators. Abrasive-blasting respirators must be worn by all abrasive-blasting operators in the following situations: (a) When working inside of blast cleaning rooms, or (b) when using silica sand in manual blasting operations except where the nozzle and blast are physically separated from the operator in an exhaust ventilated enclosure, or (c) where concentrations of toxic dusts dispersed by the abrasive blasting may exceed the limits set in chapter 296-842 WAC except where the nozzle and blast are physically separated from the operator in an exhaust-ventilated enclosure.

(3) Particulate-filter respirators.

(a) Properly fitted particulate-filter respirators, commonly referred to as dust-filter respirators, may be used for short, intermittent, or occasional dust exposures such as

clean-up, dumping of dust collectors, or unloading shipments of sand at a receiving point when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means.

(b) Dust-filter respirators may also be used to protect the operator of outside (outdoor) abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicity.

(c) Dust-filter respirators used must be certified by NIOSH under 42 CFR part 84 for protection against the specific type of dust encountered.

(d) Dust-filter respirators must be properly fitted as required in chapter 296-842 WAC.

(e) Dust-filter respirators must not be used for continuous protection where silica sand is used as the blasting abrasive, or when toxic materials are blasted.

(4) A respiratory protection program as required in chapter 296-842 WAC must be established wherever it is necessary to use respirators.

(5) Personal protective clothing.

(a) Operators must be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives.

(b) Safety shoes must be worn where there is a hazard of foot injury.

(c) Equipment for protection of the eyes and face must be supplied to the operator and to other personnel working near abrasive blasting operations when the respirator design does not provide such protection.

(6) Personal protective clothing, equipment and their use must comply with WAC 296-800-160.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-67515, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050. 02-12-098, § 296-24-67515, filed 6/5/02, effective 8/1/02; 01-11-038, § 296-24-67515, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-24-67515, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-24-67515, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-67515, filed 7/20/94, effective 9/20/94; Order 73-5, § 296-24-67515, filed 5/9/73 and Order 73-4, § 296-24-67515, filed 5/7/73.]

WAC 296-24-67517 Air supply and air compressors.

Clean air supply. The air for abrasive-blasting respirators must be free of harmful quantities of dusts, mists, or noxious gases, and must meet the requirements for supplied-air quality and use as specified in chapter 296-842 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-67517, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-24-67517, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-24-67517, filed 12/26/97, effective 3/1/98; Order 73-5, § 296-24-67517, filed 5/9/73 and Order 73-4, § 296-24-67517, filed 5/7/73.]

WAC 296-24-71515 Beryllium. Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals shall be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by chapter 296-841 WAC. In all cases, workers in the immediate vicinity of the welding or cutting operations shall

be protected as necessary by local exhaust ventilation or airline respirators.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-71515, filed 1/18/05, effective 3/1/05; Order 73-5, § 296-24-71515, filed 5/9/73 and Order 73-4, § 296-24-71515, filed 5/7/73.]

WAC 296-24-71519 Mercury. In confined spaces or indoors, welding or cutting operations involving metals coated with mercury-bearing materials, including paint, must be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions show that employee exposure is within the acceptable concentrations specified by chapter 296-841 WAC. Such operations, when done outdoors, must be done using respirators certified for this purpose by NIOSH under 24 CFR part 84.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-24-71519, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-24-71519, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-71519, filed 7/20/94, effective 9/20/94; Order 73-5, § 296-24-71519, filed 5/9/73 and Order 73-4, § 296-24-71519, filed 5/7/73.]

Chapter 296-30 WAC

RULES FOR THE ADMINISTRATION OF THE CRIME VICTIMS COMPENSATION PROGRAM

WAC

296-30-090

What are the maximum allowable fees?

WAC 296-30-090 What are the maximum allowable fees? (1) Maximum allowable fees for medical and mental health services are those fees established by the department of labor and industries for the crime victims compensation program, less any available benefits of public or private insurance.

EXCEPTION: If any of the maximum allowable fees established by the department of labor and industries for the crime victims compensation program, are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

(2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

[Statutory Authority: RCW 7.68.030. 05-16-096, § 296-30-090, filed 8/2/05, effective 9/2/05. Statutory Authority: RCW 7.68.030, 7.68.080, 7.68.130. 00-03-056, § 296-30-090, filed 1/14/00, effective 2/14/00.]

Chapter 296-45 WAC

SAFETY STANDARDS FOR ELECTRICAL WORKERS

WAC

296-45-25510

Fall protection.

296-45-315

Materials handling and storage.

296-45-325

Working on or near exposed energized parts.

296-45-385

Overhead lines.

296-45-475

Substations.

WAC 296-45-25510 Fall protection. (1) Personal fall arrest equipment shall meet the requirements of WAC 296-155-245.

(2) Specific requirements for lineman's belts, safety straps and lanyards.

(a) All fabric used for safety straps must withstand an A.C. dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(b) All fabric and leather used must be tested for leakage current and must not exceed 1 milliampere when a potential of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(c) Direct current tests may be permitted in lieu of alternating current tests.

(d) The cushion part of the body belt must:

(i) Contain no exposed rivets on the inside;

(ii) Be at least three (3) inches in width;

(iii) Be at least five thirty-seconds (5/32) inch thick, if made of leather; and

(iv) Have pocket tabs that extended at least 1 1/2 inches down and three (3) inches back of the inside of circle of each D ring for riveting on plier or tool pockets. On shifting D belts, this measurement for pocket tabs must be taken when the D ring section is centered.

(e) A maximum of four (4) tool loops must be so situated on the body belt that four (4) inches of the body belt in the center of the back, measuring from D ring to D ring, must be free of tool loops, and any other attachments.

(f) Suitable copper, steel, or equivalent liners must be used around bar of D rings to prevent wear between these members and the leather or fabric enclosing them.

(g) All stitching must be of a minimum 42-pound weight nylon or equivalent thread and must be lock stitched. Stitching parallel to an edge must not be less than three-sixteenths (3/16) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(h) The keeper of snaphooks must have a spring tension that will not allow the keeper to begin to open with a weight of 2 1/2 pounds or less, but the keeper of snaphooks must begin to open with a weight of four (4) pounds, when the weight is supported on the keeper against the end of the nose.

(i) Testing of lineman's safety straps, body belts and lanyards must be in accordance with the following procedure:

(i) Attach one end of the safety strap or lanyard to a rigid support, the other end must be attached to a 250-pound canvas bag of sand;

(ii) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test); in each case stopping the fall of the 250-pound bag;

(iii) Failure of the strap or lanyard must be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" must be tested using one D ring. A safety strap or lanyard must be used that is capable of passing the "impact loading test" and attached as required in (i)(i) of this subsection. The body belt must be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in (i)(ii) of this subsection. Failure of the body belt must be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(3) Body belts, safety straps, lanyards, lifelines, and body harnesses shall be inspected before use each day to determine that the equipment is in safe working condition. Defective equipment may not be used.

(4) Employees shall not wear climbers while doing work where they are not required. Employees shall not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(5) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which shall consist of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(6) Before an employee throws his/her weight on a belt, the employee shall determine that the snap or fasteners are properly engaged.

(7) Safety straps shall not be placed around poles above the cross-arm except where it is not possible for the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap shall be allowed to hang loose or dangle while the employee is ascending or descending poles or other structures.

(8) Body belts and safety straps shall not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(9) Employees shall not attach metal hooks or other metal devices to body belts. Leather straps or rawhide thongs shall have hardwood or fibre crossbars. Leather straps and rawhide thongs shall not have metal or other conductive crossbars on them.

(10) Climbing gaffs shall be kept properly sharpened and shall be at least 1-1/8 inches in length.

(11) Lifelines shall be protected against being cut or abraded.

(12) Fall arrest equipment, work positioning equipment, or travel restricting equipment shall be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided. Fall protection equipment is not required to be used by a qualified employee climbing or changing location on poles, towers, or similar structures, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing.

Note 1: This subsection applies to structures that support overhead electric power generation, transmission, and distribution lines and equipment. It does not apply to portions of buildings, such as loading docks, to electric equipment, such as transformers and capacitors, nor to aerial lifts. Requirements for fall protection associated with walking and working surfaces are contained in WAC 296-155-245; requirements for fall protection associated with aerial lifts are contained in chapter 296-155 WAC, Part J-1.

Note 2: Employees undergoing training are not considered "qualified employees" for the purposes of this provision. Unqualified employees (including trainees) are required to use fall protection any time they are more than 4 feet (1.2 m) above the ground.

(13) The following requirements apply to personal fall arrest systems:

(a) When stopping or arresting a fall, personal fall arrest systems shall limit the maximum arresting force on an employee to 1800 pounds (8 kN) if used with a body harness.

(b) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m) nor contact any lower level.

(14) If vertical lifelines or droplines are used, not more than one employee may be attached to any one lifeline.

(15) Snaphooks may not be connected to loops made in webbing-type lanyards.

(16) Snaphooks may not be connected to each other.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-038, § 296-45-25510, filed 8/9/05, effective 10/1/05; 98-07-009, § 296-45-25510, filed 3/6/98, effective 5/6/98.]

WAC 296-45-315 Materials handling and storage. (1)

General. Material handling and storage shall conform to the requirements of chapter 296-24 WAC, Part D.

(2) Materials storage near energized lines or equipment. In areas not restricted to qualified persons only, materials or equipment may not be stored closer to energized lines or exposed energized parts of equipment than the following distances plus an amount providing for the maximum sag and side swing of all conductors and providing for the height and movement of material handling equipment:

(a) For lines and equipment energized at 50 kV or less, the distance is 10 feet (305 cm).

(b) For lines and equipment energized at more than 50 kV, the distance is 10 feet (305 cm) plus 4 inches (10 cm) for every 10 kV over 50 kV.

(c) In areas restricted to qualified employees, material may not be stored within the working space about energized lines or equipment.

Note: Requirements for the size of the working space are contained in WAC 296-45-475(1) and 296-45-48515.

(3) Prior to unloading steel, poles, crossarms and similar materials, the load shall be thoroughly examined to determine if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees. The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

(4) Pole handling.

(a) During pole hauling operations, all loads shall be secured to prevent displacement, and a red flag shall be displayed at the trailing end of the longest pole.

(b) While loading and unloading materials, roadways shall not be blocked unless approved traffic control is used.

(c) When hauling poles during darkness, illuminated warning devices shall be attached to the trailing end of the longest pole in accordance with the state of Washington motor vehicle code.

(d) Framing. During framing operations, employees must not work under a pole or a structure suspended by a crane, A-frame or similar equipment unless the pole or structure is adequately supported.

(5) Tag lines. When necessary to control loads, tag lines or other approved devices shall be used.

(6) Oil filled equipment. During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required by WAC 296-155-270, such as pillow tanks.

(7) Storage of tools and materials. All tools and materials shall be stored in a safe and orderly manner in yards for equipment and other areas.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-038, § 296-45-315, filed 8/9/05, effective 10/1/05; 98-07-009, § 296-45-315, filed 3/6/98, effective 5/6/98.]

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of deenergized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (d) of this section.

Note 1: One employee will serve principally as a standby person who must be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick twelve feet or less in length. The standby will be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs will employees work simultaneously on energized wires or parts of different phases or polarity;

Note 2: When installing or removing a hot line clamp connection on a multiphase system, it is permissible for the second employee to stand by at the lower controls of the aerial lift provided the connection or disconnection does not interrupt or pick up load. The hot line clamp and connecting jumper must be constructed so it cannot make contact with any other energized parts. The work must not be performed above lines or apparatus energized at more than 600 V.

Note 3: In cases of necessity the standby person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply to (a) through (e) of this subsection. In addition to the require-

ments of subsection (4) of this section, a qualified employee working under this subsection (3), must position themselves so that he/she is neither within reach of nor otherwise exposed to contact with energized parts.

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on a single-phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

Note 1: The hot line clamp and connecting jumper must be constructed so that it cannot make contact with any other energized parts.

Note 2: On a multiphase feed this applies only when one single-phase line or apparatus is present on the load side.

(d) When installing or removing by hot stick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (6) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

Note 1: WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

Note 2: When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

- 1: They shall wear approved insulating gloves or insulating gloves and sleeves during the time they are working on such conductor, or
- 2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
- 3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4) of this section), insulating sleeves shall also be

used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting deenergized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the deenergized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as deenergized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: Provided, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance
Distance to employee

Voltage in kilovolts phase to phase*	Phase to ground		Phase to Phase	
	(m)	(ft-in)	(m)	(ft-in)
0 to 0.050	not specified		not specified	
0.051 to 0.300	avoid contact		avoid contact	
0.301 to 0.750	0.31	1-0	0.31	1-0
0.751 to 15	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

*For single-phase systems, use the highest voltage available.

For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.

**The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.

Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.

Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-038, § 296-45-325, filed 8/9/05, effective 10/1/05; 03-17-071, § 296-45-325, filed 8/19/03, effective 11/1/03. Statutory Authority: RCW 49.17.040, 99-09-080, § 296-45-325, filed 4/20/99, effective 8/1/99. Statutory Author-

ity: RCW 49.17.010, [49.17].040, [49.17].050 and [49.17].060. 98-07-009, § 296-45-325, filed 3/6/98, effective 5/6/98.]

WAC 296-45-385 Overhead lines. This section provides additional requirements for work performed on or near overhead lines and equipment.

(1) General.

(a) Before elevated structures and adjacent structures, such as poles or towers of the adjacent supporting poles, structures, and conductor supporting hardware, are subjected to such stresses as climbing or the installation or removal of equipment may impose, the employer shall ascertain that the structures are capable of sustaining the additional or unbalanced stresses. If the pole or other structure cannot withstand the loads which will be imposed, it shall be braced or otherwise supported so as to prevent failure.

Note: Appendix C contains test methods that can be used in ascertaining whether a wood pole is capable of sustaining the forces that would be imposed by an employee climbing the pole. This paragraph also requires the employer to ascertain that the pole can sustain all other forces that will be imposed by the work to be performed.

(b) When poles are set, moved, or removed near exposed energized overhead conductors, the pole may not contact the conductors.

(c) When a pole is set, moved, or removed near an exposed energized overhead conductor, the employer shall ensure that each employee wears electrical protective equipment or uses insulated devices when handling the pole and that no employee contacts the pole with uninsulated parts of his or her body.

(d) To protect employees from falling into holes into which poles are to be placed, the holes shall be attended by employees or physically guarded whenever anyone is working nearby.

(2) Installing and removing overhead lines. The following provisions apply to the installation and removal of overhead conductors or cable.

(a) The employer shall use the tension stringing method, barriers, or other equivalent measures to minimize the possibility that conductors and cables being installed or removed will contact energized power lines or equipment.

(b) When conductors are being strung in or removed, they shall be kept under positive control to prevent accidental contact with energized circuit.

(c) The protective measures required by WAC 296-45-375 (10)(c) for mechanical equipment shall also be provided for conductors, cables, and pulling and tensioning equipment when the conductor or cable is being installed or removed close enough to energized conductors that any of the following failures could energize the pulling or tensioning equipment or the wire or cable being installed or removed:

- (i) Failure of the pulling or tensioning equipment;
- (ii) Failure of the wire or cable being pulled; or
- (iii) Failure of the previously installed lines or equipment.

(d) When conductors being installed or removed cross over energized conductors in excess of 600 volts, rope nets or guard structures must be installed unless provision is made to isolate or insulate the worker or the energized conductor. Where the design of the circuit-interrupting devices protect-

ing the lines so permits, the automatic-reclosing feature of these devices must be made inoperative. In addition, the line being strung must be grounded on either side of the crossover or considered and worked as energized.

(e) Before lines are installed parallel to existing energized lines, the employer shall make a determination of the approximate voltage to be induced in the new lines, or work shall proceed on the assumption that the induced voltage is hazardous. Unless the employer can demonstrate that the lines being installed are not subject to the induction of a hazardous voltage or unless the lines are treated as energized, the following requirements also apply:

(i) Each bare conductor shall be grounded in increments so that no point along the conductor is more than 2 miles (3.22 km) from a ground.

(ii) The grounds required in subsection (2)(e)(i) of this section shall be left in place until the conductor installation is completed between dead ends.

(iii) The grounds required in subsection (2)(e)(i) of this section shall be removed as the last phase of aerial cleanup.

(iv) If employees are working on bare conductors, grounds shall also be installed at each location where these employees are working, and grounds shall be installed at all open dead-end or catch-off points or the next adjacent structure.

(v) If two bare conductors are to be spliced, the conductors shall be bonded and grounded before being spliced.

(f) Reel handling equipment, including pulling and tensioning devices, shall be in safe operating condition and shall be leveled and aligned.

(g) Load ratings of stringing lines, pulling lines, conductor grips, load-bearing hardware and accessories, rigging, and hoists may not be exceeded.

(h) Each pull must be snubbed or dead ended at both ends before subsequent pulls.

(3) Pulling lines and accessories shall be inspected prior to each use and replaced or repaired when damaged or when there is a reasonable basis to doubt the dependability of such lines or accessories.

(4) Conductor grips may not be used on wire rope, unless the grip is specifically designed for this application.

(5) Reliable communications, through two-way radios or other equivalent means, shall be maintained between the reel tender and the pulling rig operator.

(6) The pulling rig may only be operated when it is safe to do so.

Note: Examples of unsafe conditions include employees in locations prohibited by subsection (7) of this section, conductor and pulling line hang-ups, and slipping of the conductor grip.

(7) While the conductor or pulling line is being pulled (in motion) with a power-driven device, employees are not permitted directly under overhead operations or on the cross arm, except as necessary to guide the stringing sock or board over or through the stringing sheave.

(8) Live-line bare-hand work is prohibited.

(9) When winches, trucks, or tractors are being used to raise poles, materials, to pull in wires, to pull slack or in any other operation, there shall be an operator at the controls unless the machinery or process is stopped.

(10) Leadworkers shall designate an employee to give signals when required.

(11) Raising poles, towers or fixtures in the close proximity of high voltage conductors shall be done under the supervision of a qualified employee.

(12) Employees shall not crawl over insulator strings but shall use a platform or other approved device to work from when making dead ends or doing other work beyond strings of insulators, at such distance that they cannot reach the work from the pole or fixture. While working on the platform or other device, they shall be secured with safety straps or a rope to prevent falling. The provision of this subsection does not apply to extra high voltage bundle conductors when the use of such equipment may produce additional hazard. Climbing over dead end assemblies is permissible only after they have been completed and pinned in the final position.

(13) Towers and structures. The following requirements apply to work performed on towers or other structures which support overhead lines.

(a) The employer shall ensure that no employee is under a tower or structure while work is in progress, except where the employer can demonstrate that such a working position is necessary to assist employees working above.

(b) Tag lines or other similar devices shall be used to maintain control of tower sections being raised or positioned, unless the employer can demonstrate that the use of such devices would create a greater hazard.

(c) The loadline may not be detached from a member or section until the load is safely secured.

(d) No one must be permitted to remain in the footing while equipment is being spotted for placement.

(e) A designated employee must be utilized to determine that required clearance is maintained in moving equipment under or near energized lines.

(14) All conductors, subconductors, and overhead ground conductors must be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(15) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged.

(16) While on patrol at night and operating a motor vehicle on public highways, there shall be two employees, at least one of whom shall be a journey level lineworker or otherwise qualified employee. If repair to line or equipment is found to be of such nature as to require two lineworkers, work shall not proceed until additional help has been obtained provided that in cases of emergency where delay would increase the danger to life, limb, or substantial property, one employee may clear the hazard without assistance.

(17) Except during emergency restoration procedures, work shall be discontinued when adverse weather conditions would make the work hazardous in spite of the work practices required by this section.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make this work too hazardous to perform, except under emergency conditions.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-038, § 296-45-385, filed 8/9/05, effective 10/1/05; 98-07-009, § 296-45-385, filed 3/6/98, effective 5/6/98.]

WAC 296-45-475 Substations. This section provides additional requirements for substations and for work performed in them.

(1) Access and working space. Sufficient access and working space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and working space about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with WAC 296-45-475(1). An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with WAC 296-45-475(1) if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

(a) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(b) That the configuration of the installation enables employees to maintain the minimum approach distances required by WAC 296-45-325(5) while they are working on exposed, energized parts; and

(c) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1997.

(d) Precaution must be taken to prevent accidental operation of relays or other protective devices due to jarring, vibration, or improper wiring.

(2) Draw-out-type circuit breakers. When draw-out-type circuit breakers are removed or inserted, the breaker shall be in the open position. The control circuit shall also be rendered inoperative, if the design of the equipment permits.

(3) Substation fences. Conductive fences around substations must be grounded. When a substation fence must be expanded or removed fence continuity must be maintained and bonding must be used to prevent electrical discontinuity. A temporary fence affording similar protection when the site is unattended, must be provided. Adequate interconnection with ground must be maintained between temporary fence and permanent fence.

(4) Guarding of rooms containing electric supply equipment.

(a) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of subsection (4)(b) through (e) of this section under the following conditions:

(i) If exposed live parts operating at 50 to 150 volts to ground are located within 8 feet of the ground or other working surface inside the room or space;

(ii) If live parts operating at 151 to 600 volts and located within 8 feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under subsection (5)(a) of this section; or

(iii) If live parts operating at more than 600 volts are located within the room or space, unless:

(A) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

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ELECTRICAL SAFETY STANDARDS,
ADMINISTRATION, AND INSTALLATION

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

296-46B-527	Special occupancies—Temporary installations. [Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-527, filed 4/22/03, effective 5/23/03.] Repealed by 05-10-024, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551.
296-46B-951	Domestic appliance specialty. [Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-951, filed 4/22/03, effective 4/22/03.] Repealed by 05-10-024, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551.

(B) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an 8-foot height at 50 volts.

(b) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(c) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(d) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(e) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

(5) Guarding of energized parts.

(a) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with subsection (5)(a) of this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with subsection (5)(a) of this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

(i) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(ii) That each employee is isolated from energized parts at the point of closest approach; and

(iii) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1997.

(b) Except for fuse replacement and other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(c) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

(6) Substation entry.

(a) Upon entering an attended substation, each employee other than those regularly working in the station shall report his or her presence to the employee in charge in order to receive information on special system conditions affecting employee safety.

(b) The job briefing required by WAC 296-45-135 shall cover such additional subjects as the location of energized equipment in or adjacent to the work area and the limits of any deenergized work area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-038, § 296-45-475, filed 8/9/05, effective 10/1/05; 98-07-009, § 296-45-475, filed 3/6/98, effective 5/6/98.]

WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.

(1) The 2005 edition of the National Electrical Code (NFPA 70 - 2005) including Annex A, B, and C; the 2003 edition of standard for the Installation of Stationary Pumps for Fire Protection (NFPA 20 - 2003); the 2002 edition of standard for Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-7 December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - A - 2002); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-December 2001); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between standard for Installation of Stationary Pumps for Fire Protection (NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

- (a) That service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;
- (b) The classification of hazardous locations; and
- (c) The proper design of emergency and standby systems.

(16) Electrical plan review.

(a) Electrical plan review is not required for:

- (i) Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;
- (ii) Low voltage systems;

(iii) Projects where the:

Service and feeder load calculation is affected by five percent or less;

Work does not involve critical branch circuits or feeders as defined in NEC 517.2; and

Affected service or feeder does not exceed 250 volts, 400 amperes;

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

Emergency systems other than listed unit equipment per NEC 700.12(E);

Critical branch circuits or feeders as defined in NEC 517.2; or

A required fire pump system.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies classified or defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department.

(iii) If the submitted plan:

Is rejected at the preliminary review, no inspection(s) will be made on the project.

Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has plan review approval, the approved plan must be available on the job site for use by the electrical inspector.

(v) The approved plan must be available on the job site, for use by the electrical inspector, prior to the final electrical inspection.

(vi) If the approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(e) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(g) Plans for projects within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review, unless the agency regulating the installation specifically requires review by the department.

(h) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panel-board schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid. Fees will be calculated based on the date the plans are received by the department.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review.

(j) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(i) The date of the measurements.

(ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

Wiring methods for designated building occupancies.

(17) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(18) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.

2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.

3. Limited energy system may use wiring methods in accordance with the NEC.

Table 010-1 Health or Personal Care Facilities

Health or Personal Care Facility Type⁽¹⁾	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Educational, Institutional or Other Facility Type	Plan Review Required
Educational ⁽²⁾⁽³⁾	YES
Institutional ⁽²⁾⁽³⁾	YES
Places of assembly for 100 or more persons ⁽¹⁾	NO
Child day care center ⁽¹⁾	NO
School-age child care center ⁽¹⁾	NO
Family child day care home, family child care home, or child day care facility ⁽¹⁾	NO

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-010, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-010, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-010, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) **"Accreditation"** is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) **"Administrative law judge"** means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

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(4) **"ANSI"** means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) **"Appeal"** is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) **"Appellant"** means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) **"ASTM"** means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) **"AWG"** means American Wire Gauge.

(9) **"Basement"** means that portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

(a) More than 1829 mm (six feet) above grade plane;

(b) More than 1829 mm (six feet) above the finished ground level for more than 50% of the total building perimeter; or

(c) More than 3658 mm (twelve feet) above the finished ground level at any point.

Also see "mezzanine" and "story."

(10) **"Board"** means the electrical board established and authorized under chapter 19.28 RCW.

(11) **"Chapter"** means chapter 296-46B WAC unless expressly used for separate reference.

(12) **"Category list"** is a list of nonspecific product types determined by the department.

(13) A **"certified electrical product"** is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(14) A **"certification mark"** is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(15) **"Certificate of competency"** includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

(16) A laboratory **"certification program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(17) A **"complete application"** includes the submission of all appropriate fees, documentation, and forms.

(18) **"Construction,"** for the purposes of chapter 19.28 RCW, means electrical construction.

(19) **"Department"** means the department of labor and industries of the state of Washington.

(20) **"Director"** means the director of the department, or the director's designee.

(21) **"Electrical equipment"** includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006(9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no

wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(22) An **"electrical products certification laboratory"** is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(23) An **"electrical products evaluation laboratory"** is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(24) **"Field evaluated"** means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(25) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(26) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(27) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

(28) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(29) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(30) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to

the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(31) **"IBC"** means the International Building Code. Copies of the IBC are available from the International Code Council.

(32) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(33) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(34) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(35) **"License"** means a license required under chapter 19.28 RCW.

(36) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(37) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(38) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(39) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit over-current and short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(40) **"Lineman"** is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in

applicable articles of the currently adopted National Electrical Code.

(41) **"Listed"** means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(42) **"Low voltage"** means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(43) **"Mezzanine"** is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

(44) **"NEC"** means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(45) **"NEMA"** means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(46) **"NESC"** means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(47) **"NETA"** means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(48) **"NFPA"** means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(49) **"NRTL"** means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(50) **"Point of contact"** for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(51) **"Proceeding"** means any matter regarding an appeal before the board including hearings before an administrative law judge.

(52) **"Public area or square"** is an area where the public has general, clear, and unrestricted access.

(53) A **"quality control manual"** is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(54) **"RCW"** means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(55) A **"stand-alone amplified sound or public address system"** is a system that has distinct wiring and equipment for audio signal generation, recording, processing,

amplification, and reproduction. This definition does not apply to telecommunications installations.

(56) **"Service"** or **"served"** means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(57) **"Story"** is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

(58) **"Structure,"** for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended for supporting or sheltering any use or occupancy as defined by the IBC.

(59) A **"telecommunications local service provider"** is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(60) **"Telecommunications network demarcation point"** is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

(61) **"TIA/EIA"** means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(62) A **"training school"** is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(63) **"Under the control of a utility"** for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(64) **"UL"** means Underwriters Laboratory.

(65) **"Utility"** means an electrical utility.

(66) **"Utility system"** means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(67) **"Utilization voltage"** means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(68) **"Variance"** is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(69) **"WAC"** means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-020, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-020, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, and chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-020, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) **"Department evaluation"** means a review in accordance with subsection (2)(c) of this section.

(b) **"Food processing plants"** include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, **"industrial control panel"** means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(d) **"Industrial plants"** include buildings or facilities used in a manufacturing process or a manufacturing training facility (e.g., educational shop area in an educational or institutional facility), but do not include:

- (i) Municipal or other government facilities;
- (ii) Other educational facilities or portions thereof;
- (iii) Other institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(e) **"Industrial utilization equipment"** means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization

equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) **"Manufacturing process"** means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) **"Normal department inspection"** is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equipment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, **"panel"** means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) The equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to an appropriate standard(s). The letter must state:

- (A) The equipment manufacturer's name;
- (B) The type of equipment;
- (C) The equipment model number;
- (D) The equipment serial number;
- (E) The equipment supply voltage, amperes, phasing;
- (F) The standard(s) used to manufacture the equipment.

Except for the reference of construction requirements to ensure the product can be installed in accordance with the National Electrical Code, the National Electrical Code is not considered a standard for the purposes of this section;

(G) Fault current interrupting rating of the equipment or the owner may provide documentation showing that the fault current available at the point where the building wiring connects to the equipment is less than 5,000 AIC; and

(H) The date the equipment was manufactured. Equipment that was manufactured prior to January 1, 1985, is not required to meet (c)(i)(F) of this subsection.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section.

(iii) The chief electrical inspector will evaluate the equipment manufacturer's letter, equipment owner's letter, and the individual equipment.

If the equipment is determined to have had electrical modifications since the date of manufacture, the chief electrical inspector will not approve equipment using this method.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter. At the request of the owner, the department will obtain a copy of any necessary standard to complete the review. If, per the owner's request, the department obtains the copy of the standard, the owner will be billed for all costs associated with obtaining the standard.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 05-22-025, § 296-46B-030, filed 10/25/05, effective 11/25/05; 05-10-024, § 296-46B-030, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-030, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061,

19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-030, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

(6) Only licensed electrical contractors can use the Class B basic electrical inspection - random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B basic electrical inspection - random inspection process after permission from the chief electrical inspector.

(7) If the Class B basic electrical inspection - random inspection process is used, the following requirements must be met:

(a) The certified electrician/telecommunications worker performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

- (i) Date of the work;
- (ii) Electrical/telecommunication contractor's name;
- (iii) Electrical/telecommunication contractor's license number;
- (iv) Installing electrician's certificate number; and
- (v) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date of the work;
 - (ii) Electrical/telecommunication contractor's license number;
 - (iii) Installing electrician's certificate number, except for telecommunication work;
 - (iv) Job site address;
 - (v) Contact telephone number for the job site (to be used to arrange inspection); and
 - (vi) Short description of the work.
- (d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical/telecommunication contractor must return the contractor's portion of the label to the Department of Labor & Industries, Electrical Section, Chief Electrical Inspector, P.O. 4460, Olympia, WA 98506-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(8) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.

(a) If any such random inspection fails, a subsequent installation in the block must be inspected.

(b) If any such subsequent installation fails inspection, all installations in the block must be inspected.

(9) Any electrical/telecommunication contractor or other entity using the Class B basic electrical inspection - random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(10) Class B basic electrical work means work other than Class A basic electrical work. See WAC 296-46B-900(8) for Class A definition. A cover inspection is required for all fire-wall penetrations.

(a) Class B basic electrical work includes the following:

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary; and

(B) The extension does not supply more than two devices or outlets as defined by the NEC. A device allowed in an extended circuit includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc.

(ii) Like-in-kind replacement of:

(A) A single luminaire not exceeding two hundred seventy-seven volts and twenty amps;

(B) A motor larger than ten horsepower; or

(C) The internal wiring of a furnace, air conditioner, refrigeration unit or household appliance;

(D) An electric/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch circuit. For the purposes of this section, a boiler is not a furnace; or

(E) An individually controlled electric room heater (e.g., baseboard, wall, fan forced air, etc.), air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the unit is connected to an existing branch circuit;

(F) Circuit modification required to install not more than five residential load control devices in a residence where installed as part of an energy conservation program sponsored by an electrical utility and where the circuit does not exceed 240 volts and 30 amps.

(iii) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one- and two-family dwellings;

(B) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC.

(C) The installation of device(s) or wiring for Class 2 or 3 thermostat, audio, security, burglar alarm, intercom, amplified sound, public address, or access control systems. This does not include fire alarm, nurse call, lighting control, industrial automation/control or energy management systems; or

(D) Telecommunications cabling and equipment requiring inspection in RCW 19.28.470;

(iv) The replacement of not more than ten standard receptacles with GFCI receptacles;

(v) The conversion of not more than ten snap switches to dimmers for the use of controlling a luminaire(s) conversion.

(b) Class B basic electrical work does not include any work in:

(i) Areas classified as Class 1, Class 2, Class 3, or Zone locations per NEC 500;

(ii) Areas regulated by NEC 517 or 680;

(iii) Any work where electrical plan review is required; or

(iv) Fire alarm, nurse call, lighting control, industrial automation/control or energy management systems.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 05-22-025, § 296-46B-110, filed 10/25/05, effective 11/25/05; 05-10-024, § 296-46B-110, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-110, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-110, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-210 Wiring and protection—Branch circuits.**008B Other than dwelling units - GFCI requirements.**

(1) GFCI requirements.

(a) All 125-volt, 15- and 20-ampere receptacles installed in wet locations must have Class A ground-fault circuit interrupter protections for personnel.

(b) Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

012 Arc-fault circuit-interrupter protection.

(3) For the purpose of NEC 210.12(B), Dwelling Unit Bedroom spaces that:

(a) Are accessed only through the bedroom;

(b) Are ancillary to the bedroom's function; and

(c) Contain branch circuits that supply 125-volt, 15- and 20-ampere, outlets must be protected by an arc-fault circuit interrupter listed to provide protection per NEC 210.12.

For the purposes of this section, such spaces will include, but not be limited to, spaces such as closets and sitting areas, but will not include bathrooms.

051(B)(5) Receptacle outlet locations.

(4) Receptacle outlets installed in appliance garages may be counted as a required countertop outlet.

052(A)(2) Dwelling unit receptacle outlets.

(5) For the purpose of NEC 210.52(A)(2)(1), "similar openings" include the following configurations that are a permanent part of the dwelling configuration or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 1.7 meters (five (5) feet six (6) inches) above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-210, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-210, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-210, filed 4/22/03, effective 5/23/03.]

[2006 WAC Supp—page 1052]

WAC 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.**003 Branch circuit calculations.**

Occupancy lighting loads. In determining feeder and service entrance conductor sizes and equipment ratings, the currently adopted Washington state energy code unit lighting power allowance table and footnotes may be used in lieu of NEC 220.12.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-220, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-220, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.**032 Location of outside feeder disconnecting means.**

The building disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building or structure per the requirements of NEC 225.32 (except for Exceptions 1, 2, 3, or 4) in accordance with subsection (1) or (2) of this section.

(1) Outside location: Except for an outdoor generator set described in a NEC 700, 701, or 702 system, where the feeder disconnecting means is installed outside a building or structure, it must be on the building or structure or within sight and within fifteen feet of the building or structure supplied. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

(a) The building/structure served; and

(b) Its function as the building/structure main disconnect(s).

(2) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located elsewhere on the premises, with overcurrent protection sized for the feeder conductors.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-225, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, and chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-225, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-230 Wiring and protection—Services.**001 General service requirements.**

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for

equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

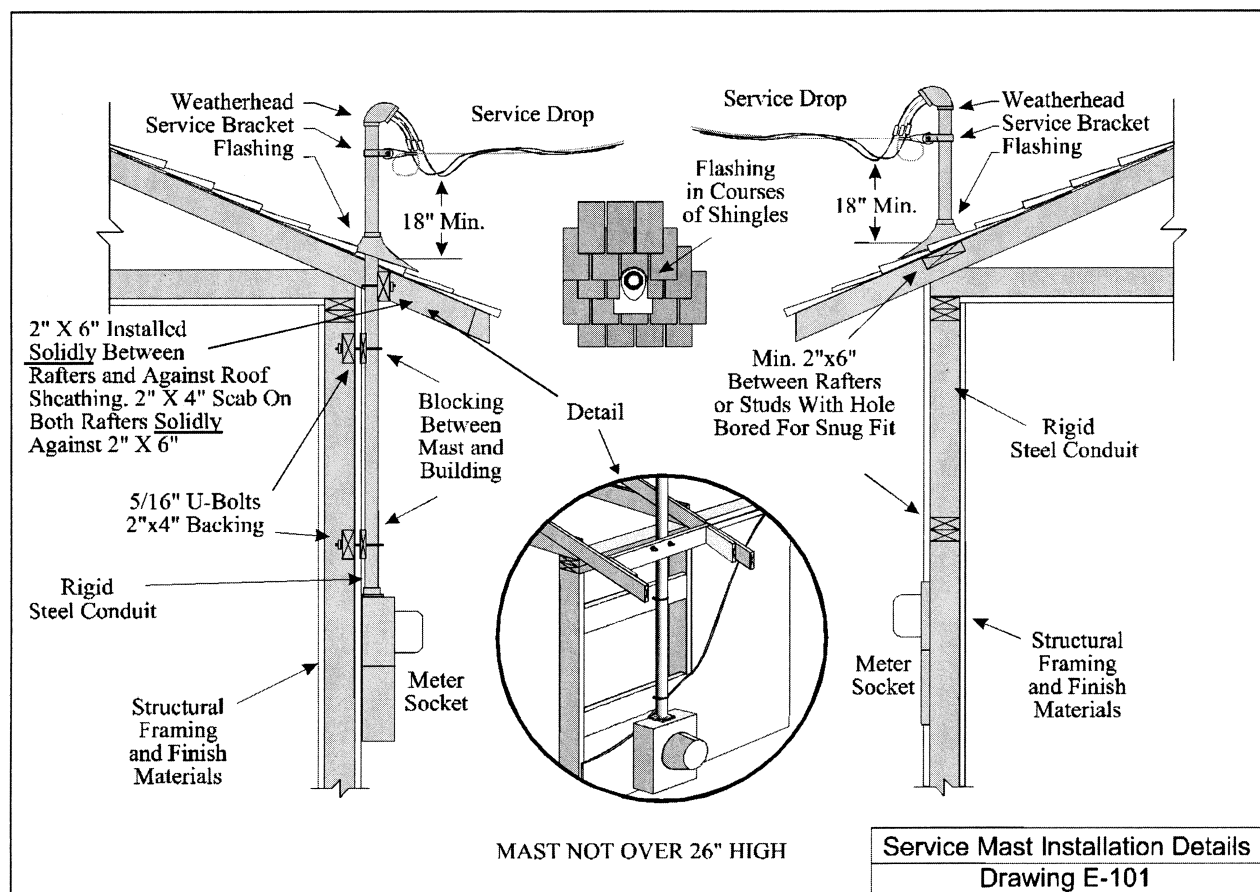
(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

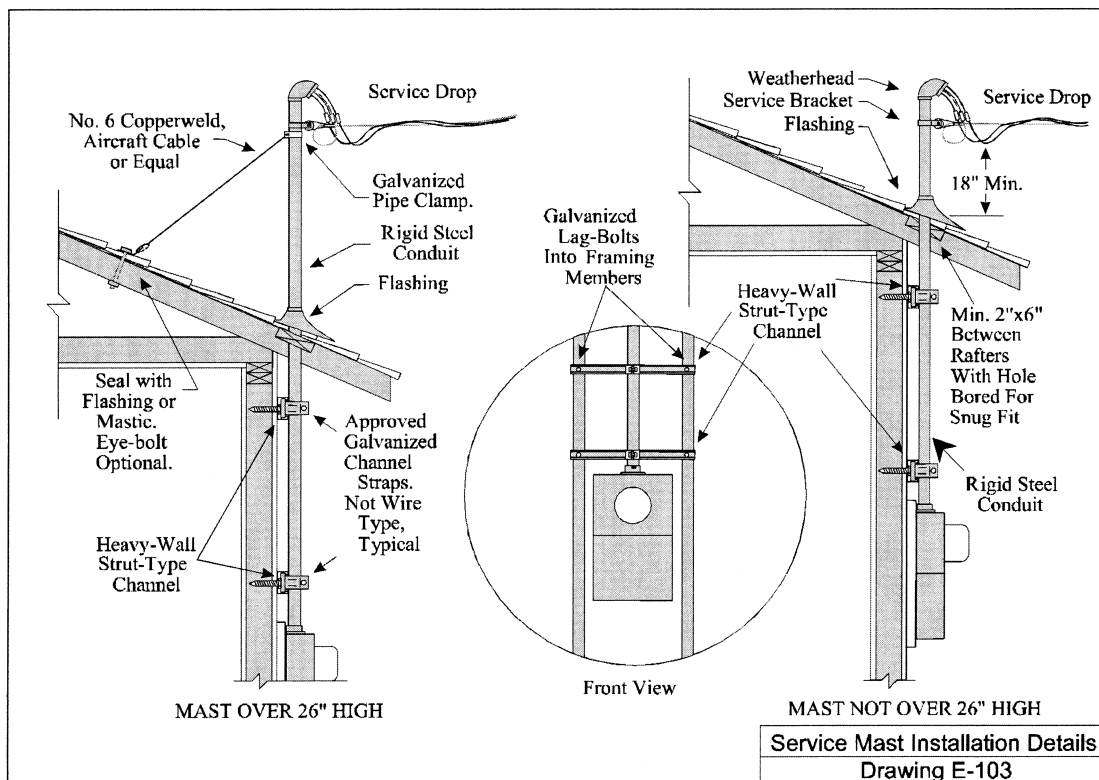
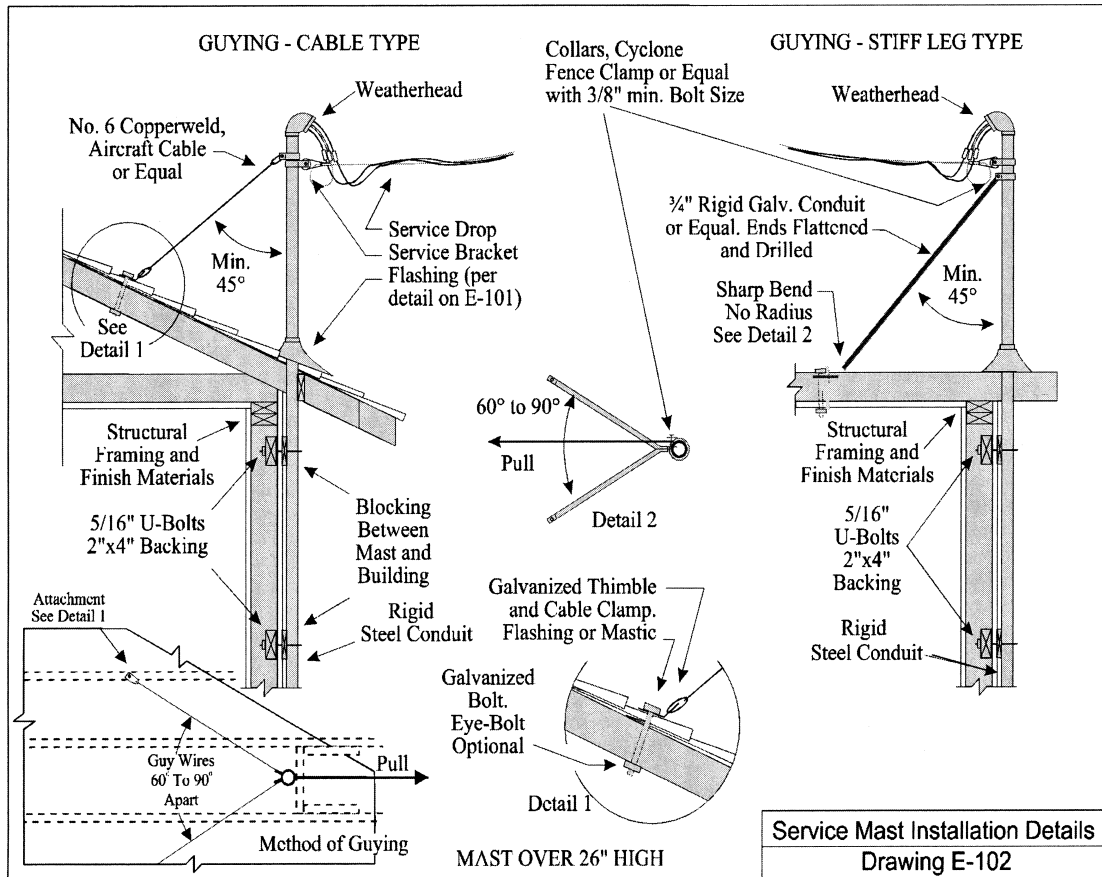
028 Service or other masts.

(4) Conduit extended through the roof to provide means of attaching:

(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than two inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than one and one-quarter inch. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.





Notes to drawings E-101, E-102, and E-103

(1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.

(2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.

(3) Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.

(4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than twenty-four inches above the roof line or if the service drop is greater than one hundred feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.

(5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.

(6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with five-sixteenths inch diameter or larger galvanized lag bolts.

(7) Conductors must extend at least eighteen inches from all mastheads to permit connection to the connecting overhead wiring.

040 Service conductors - two-family and multiple-occupancy buildings.

(5) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units

served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - size and rating.

(6) If the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

043 Wiring methods for 600 volts, nominal or less.

(7) The installation of service conductors not exceeding 600 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cable-bus; or mineral-insulated, metal-sheathed cable (type MI).

(8) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(9) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

062 Service equipment - general.

(10) Service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.

(11) Temporary construction service equipment may only be used for construction purposes and must be disconnected when the permanent service is connected unless the department grants an extension of time.

070 Service disconnecting means.

(12) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

(13) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders. A firm having qualified personnel and proper

equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 600 volts.

(14) The installation of service conductors exceeding 600 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

(15) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-230, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-230, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-250 Wiring and protection—Grounding and bonding.

032 Two or more buildings or structures.

(1) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

(2) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

(3) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

(4) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

(5) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

(6) Multiple grounding. NEC 250.184 (c)(1) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a single-point circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

(7) Multigrounded neutral conductor. NEC 250.184 (C)(2) through (5) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this chapter, and normal standards of care. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-250, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-250, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-250, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

005 Underground installations.

(2) Induction loops.

See WAC 296-46B-040 for induction detection loops that are made in a public roadway and regulated by a governmental agency.

The department will inspect induction loops that are not installed in public roadways regulated by a governmental agency. These induction loops must comply with the following requirements:

(a) General:

(i) A preformed direct burial induction loop is designed to be installed within the road surface base (e.g., concrete or asphalt) or below the road surface of a road with an unpaved surface (e.g., gravel or brick pavers);

(ii) A saw-cut induction detection loop is designed to be installed into a groove saw-cut into an existing paved road surface (e.g., concrete or asphalt);

(iii) The loop system includes the loop and the lead-in conductor;

(iv) The loop system must be:

(A) Tested to assure that at 500 volts DC, the resistance between the conductor and ground equals or exceeds 50 megohms; and

(B) Without splice; or

(C) If spliced, the splice must be soldered and appropriately insulated;

(v) The lead-in conductor must comply with the following:

(A) Must be stranded and have a lay (i.e., twist) of two turns per foot; and

(B) If installed in an electrical raceway;

• Are not required to be listed or suitable for wet locations; and

• Must have a burial cover of at least 6"; or

(C) If direct buried;

• Must be listed for the use; and

• Must have a burial cover of at least 18".

(b) Preformed direct burial induction detection loops must conform with the following:

(i) The loop conductor must be rated for direct burial and be a minimum of No. 16 AWG;

(ii) The loop design must not allow movement of the loop conductor within the outer jacket. The outer jacket containing the loop conductor is not required to be listed;

(iii) The loop yoke casing (i.e., the location where the lead-in conductor is connected to the loop):

(A) Includes any device used to house the "loop to lead-in splice" or to otherwise couple the loop with the lead-in electrical raceway;

(B) Is not required to be listed; and

(C) Must have a coupler that will create a waterproof bond with the electrical raceway, containing the lead-in conductor, or a direct buried lead-in conductor.

(c) Saw-cut induction detection loops:

(i) The loop conductor must be cross-linked polyethylene or EPR Type USE insulation and be a minimum of No. 18 AWG stranded;

(ii) The saw-cut groove must not cut into rebar installed within the roadway.

011 Support of raceways, cables, or boxes in suspended ceilings.

(3) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

(4) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

(5) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

(6) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(A) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; and

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

(7) Cables will be permitted in all raceway systems if:

(a) The cable is appropriate for the environment; and

(b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-300, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-300, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191,

19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-300, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-314 Wiring methods and materials— Outlet, device, pull and junction boxes.

001 Boxes and fittings.

(1) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.

023(H) Flexible cord connection of pendant boxes.

(2) The flexible cord and cord connection must comply with NEC 314.23(H) and the following:

(a) A suspended pendant box must not contain conduit "knockouts" and connection to a suspended box must utilize an integral threaded hub;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant box must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined using NEC Table 400.5(A) column A; and

(f) The flexible cord must be hard or extra hard usage.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-314, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-314, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-314, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-334 Wiring methods and materials— Nonmetallic-sheathed cable.

010 Nonmetallic-sheathed cable.

(1) The building classification, for subsections (2), (3), and (4) of this section, will be as determined by the building official. For the purposes of this section, Type III, IV and V may be as defined in the International Building Code adopted in the state of Washington. The installer must provide the inspector documentation substantiating the type of building construction and finish material rating(s) prior to any electrical inspection.

(2) This section replaces NEC 334.10(2). In multifamily dwellings, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12.

(3) This section replaces NEC 334.10(3). In all other structures, Type NM, Type NMC, and Type NMS cable(s)

may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12. All cable(s) must be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

(4) This section replaces NEC 334.10(4). Cable trays in structures of Types III, IV, and V construction, where the cable(s) is identified for the use, except as prohibited in NEC 334.12.

015 Exposed work.

(5) Where Type NMC cable is installed in shallow chases in plaster, masonry, concrete, adobe or similar material, the cable must be protected against nails or screws by:

(a) A steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe, or similar finish; or

(b) Being recessed in a chase at least 6.985 cm (2 3/4 in.) deep, as measured from the finished surface, and covered with plaster, adobe, or similar finish. The cable(s) must be at least 6.35 mm (2 1/2 in.) from the finished surface.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-334, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-334, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-334, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-410 Equipment for general use—Luminaires.

004 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed, unless specifically listed for such use; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

018 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted only where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

030 Flexible cord connection of electric discharge luminaires.

(3) A ground-type attachment plug cap and receptacle connection at the source junction box is not required when the flexible cord complies with NEC 410.30 and the following:

(a) Connection to a source junction box must utilize an approved cable connector or clamp;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant luminaire must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-410, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-410, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-410, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-590 Special occupancies—Temporary installations.

001 Temporary installations.

(1) For the purposes of this section, any circuit used for construction purposes is considered to be temporary.

004 Temporary installations - splices.

(2) A splice or junction box is required for all wiring splice or junction connections in a temporary installation.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-590, filed 4/26/05, effective 6/30/05.]

WAC 296-46B-700 Special conditions—Emergency systems.

001 Emergency systems - general.

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in standards adopted by the state building code council under chapter 19.27 RCW.

009 Emergency systems - equipment identification.

(2) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(3) All boxes and enclosures, for Article 700 NEC systems, larger than six inches by six inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color. All other device and junction boxes for emergency systems and

circuits must be substantially orange in color, both inside and outside.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-700, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-700, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-760 Fire alarm systems. Device and junction boxes for fire alarm systems other than the surface raceway type, must be substantially red in color, both inside and outside. Power-limited fire protective signaling circuit conductors must be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power-limited fire protective signaling circuit.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-760, filed 4/26/05, effective 6/30/05.]

WAC 296-46B-800 Communications systems—Communications circuits.

001 Installation.

(1) All telecommunications installations on an end-user's property, beyond the end-user's telecommunications network demarcation point, made by a telecommunications service provider, both inside and outside of a building or structure, must conform to all licensing, certification, installation, permitting, and inspection requirements described in chapter 19.28 RCW and this chapter.

002 Designation of demarcation point.

(2) At the point of demarcation, the telecommunications installer must install an identification plate with the following information:

- (a) "Point of demarcation";
- (b) Name of telecommunications utility; and
- (c) Name of customer/end user of the system.

(3) The telecommunications installer must confer with the telecommunications utility when determining the point of demarcation.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-800, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-800, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes:

(i) The **like-in-kind replacement** of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skel-

eton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor;

(ii) Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;

(iii) Heat cable repair; and

(iv) Embedding premanufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with preconnected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation and inspection by the installing electrician and the electrical inspector.

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit that contains multiple components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.) containing various control components or any appliance/equipment described in WAC 296-46B-110(10) for Class B permits.

A provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

Provisional electrical work permit - use/duration/refunds.

(15) Only licensed electrical or telecommunications contractors can use provisional electrical work permits.

(16) If a provisional electrical work permit label is used, the following requirements must be met:

(a) Prior to beginning the work, the certified electrician or telecommunications worker performing the installation must affix the provisional electrical work permit label on the cover of the panelboard, overcurrent device, or telecommunications equipment supplying the circuit or equipment.

(b) The job site portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Contractor's name;
- (iii) Contractor's license number; and
- (iv) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Contractor's license number;
- (iii) Job site address;
- (iv) Owner's name; and
- (v) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The contractor must return the contractor's portion of the label to the department of labor and industries, electrical section office having jurisdiction for the inspection, within two working days after the job site portion of the label is affixed. Either receipt by department of labor and industries or postmark to a valid department of labor and industries electrical address is acceptable for meeting this requirement.

(f) The contractor must return the contractor's portion of the label to the Department of Labor & Industries, Chief Electrical Inspector, within five working days after destroying or voiding any label.

(g) The contractor is responsible for safekeeping of all purchased labels.

(17) Refunds are not available for provisional electrical work permit labels.

(18) Provisional electrical work permit labels will be sold in blocks of twenty.

(19) Any contractor purchasing a provisional electrical work permit label may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

Class B electrical work permit - use.

(20) The electrical contractor must return the contractor's portion of the Class B label to the department of labor and industries, chief electrical inspector, within five working days after destroying or voiding any label.

(21) The electrical contractor is responsible for safekeeping of all purchased Class B labels.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551. 05-22-025, § 296-46B-900, filed 10/25/05, effective 11/25/05; 05-10-024, § 296-46B-900, filed 4/26/05, effective 6/30/05. Statutory Authority: Chapter 19.28 RCW. 04-21-086, § 296-46B-900, filed 10/20/04, effective 11/22/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-900, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-900, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
 - (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
 - (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
 - (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.
- | | |
|--|---------|
| (i) First 1300 sq. ft. | \$73.00 |
| Each additional 500 sq. ft. or portion of | \$23.40 |
| (ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property | \$30.50 |
| (iii) Each outbuilding or detached garage - inspected separately | \$48.10 |
| (iv) Each swimming pool - inspected with the service | \$48.10 |
| (v) Each swimming pool - inspected separately | \$73.00 |
| (vi) Each hot tub, spa, or sauna - inspected with the service | \$30.50 |
| (vii) Each hot tub, spa, or sauna - inspected separately | \$48.10 |
| (viii) Each septic pumping system - inspected with the service | \$30.50 |
| (ix) Each septic pumping system - inspected separately | \$48.10 |

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$78.70	\$23.40
201 to 400	\$97.80	\$48.10
401 to 600	\$134.30	\$66.90
601 to 800	\$172.30	\$91.80
801 and over	\$245.70	\$184.30

(c) Single or multifamily altered services or feeders including circuits.

- (i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$66.90
201 to 600	\$97.80
601 and over	\$147.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$36.30

(d) **Single or multifamily residential circuits only (no service inspection).**

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above) \$48.10
(ii) Each additional circuit (see note above) \$5.30

(e) **Mobile homes, modular homes, mobile home parks, and RV parks.**

(i) Mobile home or modular home service or feeder only \$48.10
(ii) Mobile home service and feeder \$78.70

(f) **Mobile home park sites and RV park sites.**

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder \$48.10
(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$30.50

(2) **Commercial/industrial.**

(a) **New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$78.70	\$48.10
101 to 200	\$95.80	\$61.30
201 to 400	\$184.30	\$73.00
401 to 600	\$214.80	\$85.80
601 to 800	\$277.70	\$116.90
801 to 1000	\$339.00	\$141.40
1001 and over	\$369.80	\$197.30

(b) **Altered services or feeders (no circuits).**

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$78.70
201 to 600	\$184.30
601 to 1000	\$277.70
1001 and over	\$308.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$66.90

(c) **Circuits only.**

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

(i) First 5 circuits per branch circuit panel \$61.30
(ii) Each additional circuit per branch circuit panel \$5.30
(d) **Over 600 volts surcharge per permit.** \$61.30

(3) **Temporary service(s).**

Note:

(1) See WAC 296-46B-527 for information about temporary installations.
(2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$42.20	\$21.60
61 to 100	\$48.10	\$23.40
101 to 200	\$61.30	\$30.50
201 to 400	\$73.00	\$36.40
401 to 600	\$97.80	\$48.10
601 and over	\$110.90	\$55.30

(4) **Irrigation machines, pumps, and equipment.**

Irrigation machines.

(a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.30

(b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$73.00

(c) Each additional tower \$5.30

(5) **Miscellaneous - commercial/industrial and residential.**

(a) **A Class 2 low-voltage thermostat** and its associated cable controlling a single piece of utilization equipment or a single furnace and air conditioner combination.

(i) First thermostat \$36.40

(ii) Each additional thermostat inspected at the same time as the first \$11.40

(b) **Class 2 or 3 low-voltage systems and telecommunications systems.**

Includes all telecommunications installations, fire alarm, nurse call, energy management control systems, industrial and automation control systems, lighting control systems, and similar Class 2 or 3 low-energy circuits and equipment not included in WAC 296-46B-110 for Class B work.

(i) First 2500 sq. ft. or less \$42.20

(ii) Each additional 2500 sq. ft. or portion thereof \$11.40

(c) **Signs and outline lighting.**

(i) First sign (no service included) \$36.40

(ii) Each additional sign inspected at the same time on the same building or structure \$17.30

(d) **Berth at a marina or dock.**

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

(i) Berth at a marina or dock \$48.10

(ii) Each additional berth inspected at the same time \$30.50

(e) Yard pole, pedestal, or other meter loops only.

(i) Yard pole, pedestal, or other meter loops only \$48.10

(ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.40

(f) **Emergency inspections requested outside of normal working hours.**

Regular fee plus surcharge of: \$91.80

(g) **Generators.**

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$66.90

(h) **Electrical - annual permit fee.**

Note:

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,765.50
4 to 6 plant electricians	24	\$3,532.80
7 to 12 plant electricians	36	\$5,298.90
13 to 25 plant electricians	52	\$7,066.20
More than 25 plant electricians	52	\$8,833.50

(i) **Telecommunications - annual permit fee.**

Note:

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum	\$146.10
Each additional hour, or portion thereof, of portal-to-portal inspection time	\$73.00

(j) Permit requiring ditch cover inspection only.

Each 1/2 hour, or portion thereof	\$36.40
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(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.	\$61.30
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(6) Carnival inspections.

(a) First carnival field inspection each calendar year.

(i) Each ride and generator truck	\$17.30
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(ii) Each remote distribution equipment, concession, or gaming show	\$5.30
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(iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be:	\$91.80
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(b) Subsequent carnival inspections.

(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$91.80
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(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$5.30
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(c) Concession(s) or ride(s) not part of a carnival.

(i) First field inspection each year of a single concession or ride, not part of a carnival	\$73.00
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(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$48.10
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(7) Trip fees.

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$73.00
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(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$36.40
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(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$36.40
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(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$36.40
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(e) Each trip necessary to remove a noncompliance notice.	\$36.40
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(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$36.40
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(g) Installations that are covered or concealed before inspection.	\$36.40
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(8) Progress inspections.

Note:

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour.	\$36.40
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(9) Plan review.

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46B-905, plus a plan review submission and shipping/handling fee of:	\$61.30
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(a) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$73.00
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(b) Plan review shipping and handling fee.	\$17.30
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(10) Out-of-state inspections.

(a) Permit fees will be charged according to the fees listed in this section.	
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(b) Travel expenses:	
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All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) Other inspections.

Inspections not covered by above inspection fees must be charged portal-to-portal per hour:	\$73.00
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(12) Refund processing fee.

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)	\$11.40
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(13) Variance request processing fee.

Variance request processing fee. This fee is nonrefundable once the transaction has been validated.	\$73.00
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(14) Marking of industrial utilization equipment.

(a) Standard(s) letter review (per hour of review time).	\$73.00
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(b) Equipment marking - charged portal-to-portal per hour:	\$73.00
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(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

(15) Class B basic electrical work labels.

(a) Block of twenty Class B basic electrical work labels (not refundable).	\$200.00
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(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour).	\$36.40
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(16) Provisional electrical work permit labels.

(a) Block of twenty provisional electrical work permit labels.	\$200.00
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[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551. 05-22-025, § 296-46B-905, filed 10/25/05, effective 11/25/05. Statutory Authority: Chapter 19.28 RCW. 04-21-086, § 296-46B-905, filed 10/20/04, effective 11/22/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-905, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-905, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-905, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-915 Civil penalty schedule. Each day that a violation occurs will be a separate offense.

Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

Continued or repeated violation may occur if the person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW, chapter 296-46B WAC has received one or more written warnings of a similar violation within a one-year period.

A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

(a) That convey or utilize electrical current without having a valid electrical contractor's license.

(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$250
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense:	\$50 (see note E)
Second offense:	\$250
Each offense thereafter:	\$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

Definition:

The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception:

Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(11) Failing to obtain or post an electrical/telecommunications work permit or provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.

Exception:

In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator or master electrician.

(a) Failing to be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator or master electrician.

First offense:	\$1,000
Second offense:	\$1,500
Each offense thereafter:	\$3,000

(b) Failing to ensure that all electrical work complies with the electrical installation laws and rules of the state.

First offense:	\$100
Second offense:	\$250
Third offense:	\$1,000
Each offense thereafter:	\$3,000

(c) Failing to ensure that the proper electrical safety procedures are used.

First offense:	\$500
Second offense:	\$1,500
Each offense thereafter:	\$3,000

(d) Failing to ensure that all electrical labels, permits, and certificates required to perform electrical work are used.

First offense:	\$250
Each offense thereafter:	\$500

(e) Failing to ensure that all electrical licenses, required to perform electrical work are used (i.e., work performed must be in the allowed scope of work for the contractor).

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(f) Failing to see that corrective notices issued by an inspecting authority are complied with within fifteen days.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(g) Failing to notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$3,000

(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense:	\$250
Each offense thereafter:	\$500

All other chapter 19.28 RCW provisions and the rules developed pursuant to them.

First offense:	\$250
Second offense:	\$750
Each offense thereafter:	\$2,000

E: Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 05-22-025, § 296-46B-915, filed 10/25/05, effective 11/25/05; 05-10-024, § 296-46B-915, filed 4/26/05, effective 6/30/05. Statutory Authority: Chapter 19.28 RCW.

04-21-086, § 296-46B-915, filed 10/20/04, effective 11/22/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-915, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-915, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations and minor plumbing under RCW 18.106.150.

(2) All specialties listed in this subsection may perform the electrical work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. Except for residential (02), the scope of work for these specialties does not include plumbing work regulated under chapter 18.106 RCW. See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty. **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three stories above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010(14), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(iii) See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection.

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor

controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage

cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration

equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration **(06A)**:

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three stories on/above grade; or
Regardless of the number of stories above grade if the installation:

- Does not pass between stories;
- Is made in a previously occupied and wired space; and
- Is restricted to the HVAC/refrigeration system;
- Repair, replace, and maintain HVAC/refrigeration:

Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of stories on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted **(06B)**:

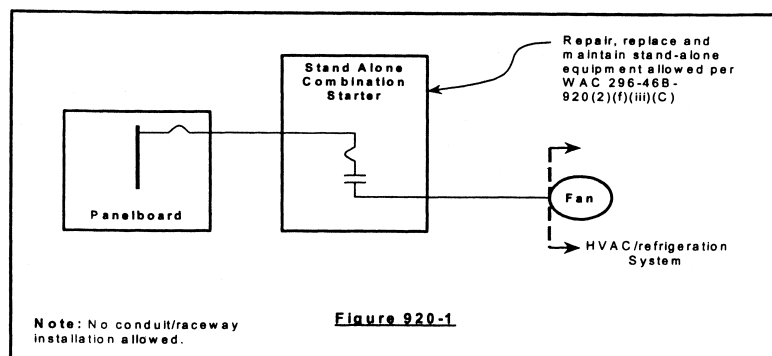
(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

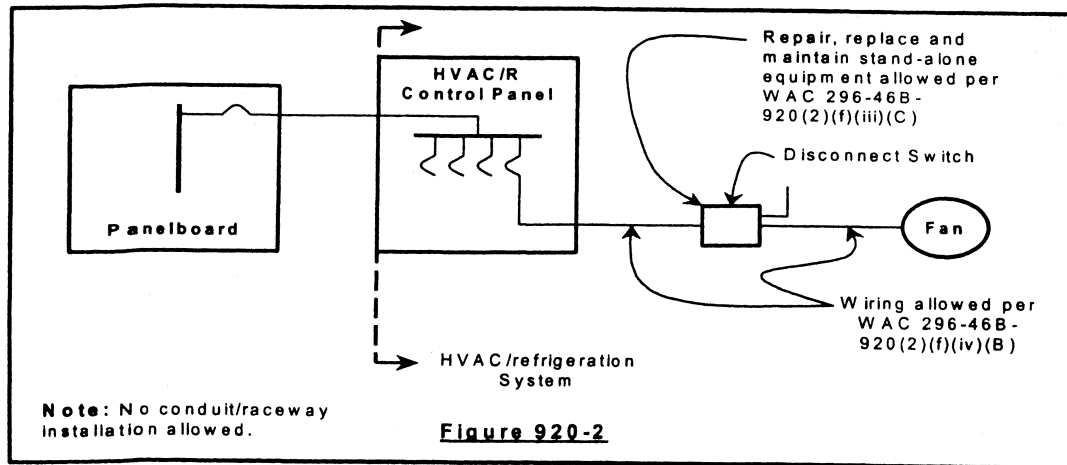
(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three stories on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).





(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection.

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind)

existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection.

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small electrical utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or electrical utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and electrical utilization equipment include, but are not limited to: Ovens, office equipment,

vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(C) Any plumbing work regulated under chapter 18.106 RCW.

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

See RCW 19.28.095 for the equipment repair scope of work and definitions. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(I) Customer satellite and conventional antenna systems receiving a telecommunications service provider's signal. All receiving equipment is on the customer side of the telecommunications network demarcation point.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

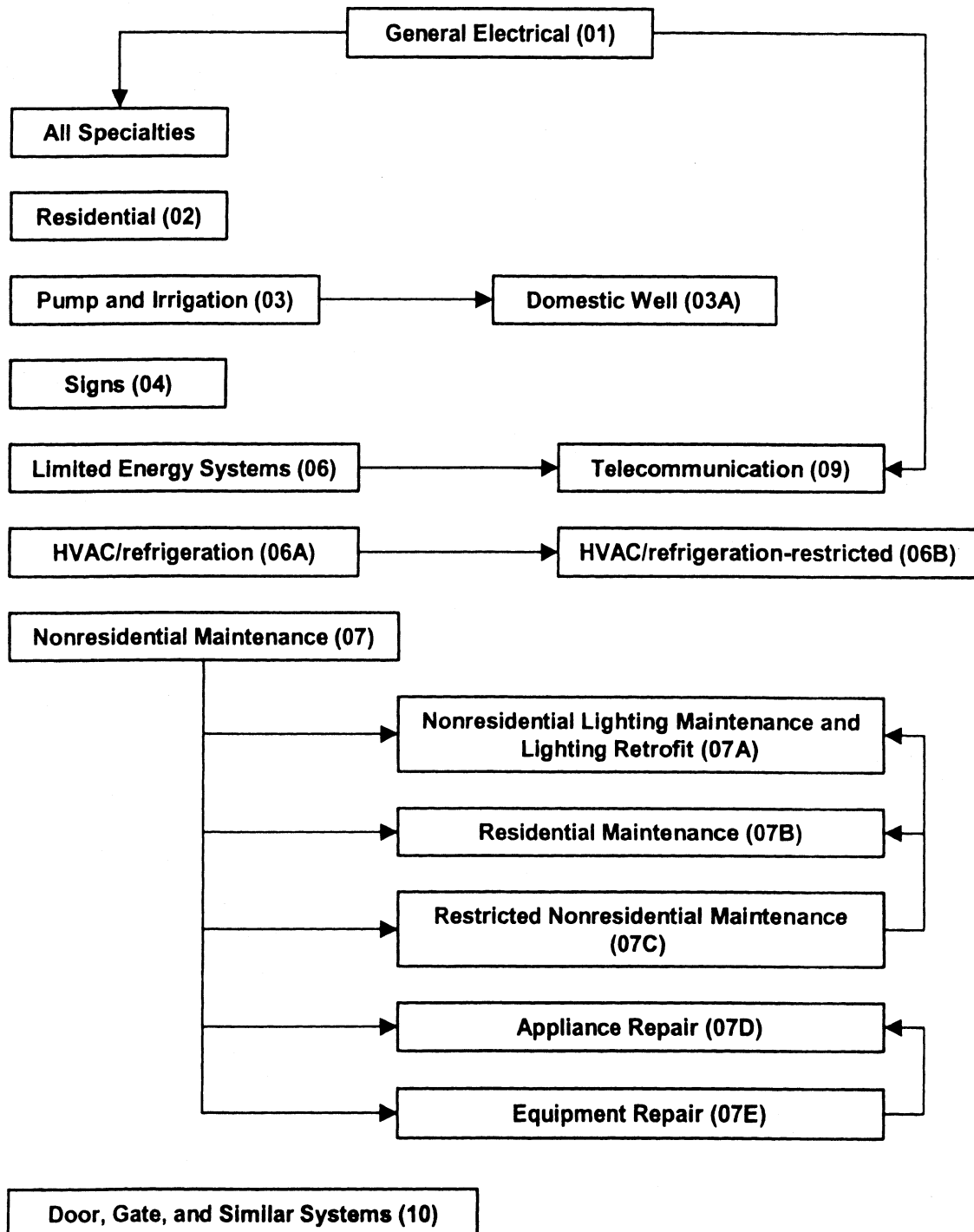
- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This spe-

cialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover



[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551. 05-22-025, § 296-46B-920, filed 10/25/05, effective 11/25/05; 05-10-024, § 296-46B-920, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-920, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-920, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action

against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceeding 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, 2006, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation,

maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

(A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

(B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(e) The electrical power production facility's generation capacity exceeds 115 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corpora-

tion, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-925, filed 4/26/05, effective 6/30/05. Statutory Authority: Chapter 19.28 RCW. 04-21-086, § 296-46B-925, filed 10/20/04, effective 11/22/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-925, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-925, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-930 Assignment—Administrator or master electrician. An administrator or master electrician

designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named on the electrical contractor application or at subsequent renewal and:

(1) Partners must be on file with the department of licensing; or

(2) Corporate officers or members of an LLC must be on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-930, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-930, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-930, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-930, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

For an examination report to be considered, all the above must be submitted within ninety days after the completion of the examination. After ninety days, the applicant will be required to successfully retake the complete examination. An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

(10) All applicants for certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees as listed in WAC 296-46B-910; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal on or before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from

the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked or temporary administrator's certificate.

Temporary specialty administrator certificate.

(14) See WAC 296-46B-930 for additional information.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-935, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-935, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-935, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

(a) Master journeyman electrician certificate of competency issued by the department;

(b) Journeyman electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is

more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

(a) General journeyman **(01)**;

(b) Specialties:

(i) Residential **(02)**;

(ii) Pump and irrigation **(03)**;

(iii) Domestic well **(03A)**;

(iv) Signs **(04)**;

(v) Limited energy system **(06)**;

(vi) HVAC/refrigeration **(06A)**;

(vii) HVAC/refrigeration - restricted **(06B)**;

(viii) Nonresidential maintenance **(07)**;

(ix) Nonresidential lighting maintenance and lighting retrofit **(07A)**;

(x) Residential maintenance **(07B)**;

(xi) Restricted nonresidential maintenance **(07C)**;

(xii) Appliance repair **(07D)**;

(xiii) Equipment repair **(07E)**; and

(xiv) Door, gate, and similar systems **(10)**.

Exemptions - linemen.

(5) Definition: See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a:

(a) Serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

(b) Licensed general electrical contractors do not need certificates of competency if the electrical equipment:

(i) Is on commercial or industrial property;

(ii) Is located outside a building or structure; and

(iii) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Exemptions - plumbers.

(7) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)(d) through (e);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)(f) through (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked or temporary certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination and the individual held the reciprocal state's certificate for a period of at least one year;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience must be related specifically to the building construction trade.

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(h) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary

electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28.191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

- Date of birth, mailing address, Social Security number; and

- All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master electrician, journeyman electrician, specialty electrician, or temporary electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Appliance repair temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the appliance repair specialty, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a

temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of one year or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-940, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-940, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-940, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic well certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration-restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	1,000 ⁽³⁾	2,000
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

Notes: (1)Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.

(2)Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.

(3)This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.

(4)The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

(5)Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1) (g)(ii).

(6)Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.

(7)The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while work-

ing under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical **(01)** contractors, and limited energy system **(06)** electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-945, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-945, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-945, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. The appliance repair specialty has an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements. See WAC 296-46B-940(28) for other information.

To qualify previous work experience training credit toward eligibility for the appliance repair specialty certificate examination in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

(1) The specific specialty for which credit is being sought;

(2) The specific date time period for which credit is being sought; and

(3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Table 950-1 Specialty electrician open window to apply previous work experience

	Appliance Repair (07D) - see notes below
Previous work experience training credit will only be allowed for:	Work performed prior to the effective date of this chapter ⁽¹⁾
Last date to submit application for previous work experience	Make application on or before June 30, 2006, for a specialty electrician temporary permit as described in WAC 296-46B-940(28)
Begin interim enforcement	Effective date of this chapter
Begin full enforcement	July 1, 2006

Notes: ⁽¹⁾ Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.

Bullets: • See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

• Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.

• Previous work experience gained using this section will not be applicable towards journeyman certification.

• No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.

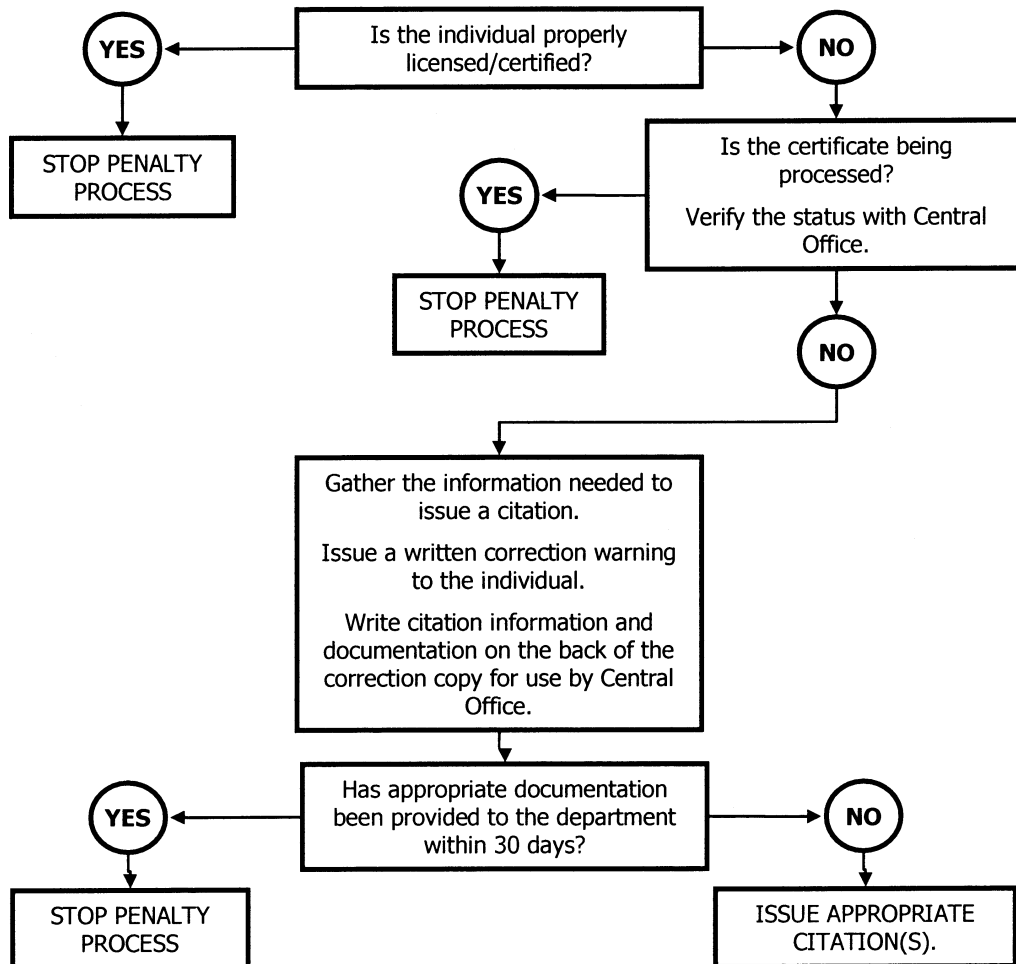
• An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-950, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-950, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311,

19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-950, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-950, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-955 Appliance repair specialty electrician enforcement procedures. Interim noncompliance enforcement procedures are outlined in Figure 955-1 for the appliance repair specialty electrician. All other specialties require full compliance with the requirements of chapter 19.28 RCW and this chapter.

Figure 955-1



Appliance repair (07D)⁽¹⁾ - electricians only

Begin Interim enforcement
Effective date of this chapter
 Begin Full enforcement
July 1, 2005

Note: ⁽¹⁾ If a citation is issued, the individual loses the right to apply previous experience.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-955, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-955, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-960 Administrator and electrician certificate of competency examinations. General.

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(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations;

(iii) Copies of chapter 19.28 RCW and this chapter; or

(iv) A foreign language dictionary that does not contain definitions.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications, except for RCWs or WACs;

(iii) Personal notes; or

(iv) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator and master electrician examinations may consist of multiple sections. All sections must be successfully completed within a one-year period of beginning the examination. Within the one-year examination period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific examination;

(iii) Stating what special accommodation is necessary; and

(iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-910.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this

restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-910.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

Subjects included in administrator certificate, or master electrician, journeyman, or specialty electrician competency examinations.

(8) The following subjects are among those that may be included in the examination for an administrator certificate or electrician certificate of competency. The list is not exclusive. The examination may also contain subjects not on the list.

(a) For general administrators, master journeyman, and journeyman electricians:

AC - Generator; 3-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Administration - Chapter 19.28 RCW and this chapter.
 Air conditioning - Basic.
 Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.
 Building wire.
 Cable trays.
 Calculations.
 Capacitive reactance.
 Capacitor - Types; in series and parallel.
 Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.
 Conductor - Voltage drop (line loss); grounded.
 Conduit - Wiring methods.
 DC - Generator; motors; construction of motors; meters.
 Definitions - Electrical.
 Electrical units.
 Electron theory.
 Fastening devices.
 Fire alarms - Introduction to; initiating circuits.
 Fuses.
 Generation - Electrical principles of.
 Grounding.
 Incandescent lights.
 Inductance - Introduction to; reactance.
 Insulation - Of wire.
 Mathematics - Square root; vectors; figuring percentages.
 Motors/controls - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.
 Ohm's Law.
 Power.
 Power factor - AC circuits; correction of; problems.
 Rectifiers.
 Resistance - Of wire.
 Rigging.
 Safety - Electrical shock.
 Services.
 3-wire system.
 Tools.
 Transformers - Principles of; types; single-phase; 3-phase connections.
 Voltage polarity across a load.
 Wiring methods - Conduit; general.
 Wiring systems - Less than 600 volts; 480/277 volts; single-and 3-phase delta or wye; distribution systems over 600 volts.

Note: The general administrator, master journeyman, and journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

(b) For specialty administrators, master specialty and specialty electricians, the following subjects are among those that may be included in the examination. Examination subjects are restricted to those subjects related to the scope of work of the specialty described in WAC 296-46B-920. The list is not exclusive. The examination may also contain subjects not on the list.

AC - Meters.
 Administration - Chapter 19.28 RCW and this chapter.
 Appliance circuits or controls.
 Blueprints - Floor plans; service and feeders.

Cables - Wiring methods.
 Calculations.
 Circuits - Series; parallel; combination; basic; outside branch.
 Conductor - Voltage drop (line loss); grounded; aluminum or copper.
 Conduit - Wiring methods.
 Electrical signs, circuits, controls, or services.
 Electrical units.
 First aid.
 Fuses.
 General lighting.
 Grounding of conductors.
 Insulation of wire.
 Limited energy circuits or systems.
 Maintenance of electrical systems.
 Mathematics - Figuring percentage.
 Motor circuits, controls, feeders, or services.
 Ohm's Law.
 Overcurrent protection.
 Resistance of wire.
 Safety - Electrical shock.
 Services.
 Sizes of building wire.
 3-wire system.
 Tools.
 Transformer - Ratios; single-phase/3-phase connections.

Failing an administrator certificate exam or electrician certificate of competency examination.

(9) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(10) If the individual makes a score of less than sixty percent, the individual must wait two weeks before being eligible to retest.

(11) If the individual makes a score of sixty to sixty-nine percent, the individual must wait one day before being eligible to retest.

(12) If the individual fails an electrician examination or a part of an administrator or master electrician examination three times within a one-year period, the individual must wait three months to retake the failed portion of the examination.

(13) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161. However, if the applicant holds a temporary specialty electrician certificate per WAC 296-46B-940(28), the applicant may continue to work under the temporary specialty electrician certificate until it expires. After the temporary specialty electrician certificate expires, the applicant must obtain a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

(14) Anyone found cheating on an examination or using inappropriate materials/equipment during an examination

will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-960, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-960, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-965 Training certificate required. General.

(1) A training certificate is required to work in the electrical construction trade if an individual does not:

- (a) Possess a current journeyman certificate of competency issued by the department;
- (b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work;
- (c) Possess a valid temporary electrician permit;
- (d) Possess a valid temporary specialty electrician permit while working in that specialty's scope of work; or
- (e) Is not working in exempt status as allowed by chapter 19.28 RCW.

(2) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

Original training certificates.

(3) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

- (a) Date of birth, mailing address, Social Security number; and
- (b) All appropriate fees as listed in WAC 296-46B-910.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years.

Specialty specific - zero percent and seventy-five percent supervision modified training certificates.

(4) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

- (i) Date of birth, mailing address, Social Security number;
- (ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and
- (iii) All appropriate fees as listed in WAC 296-46B-910.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate or temporary specialty electrician permit obtained as described in WAC 296-46B-940(28), the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

(i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and

(ii) All appropriate fees as listed in WAC 296-46B-910.

(c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(5) The individual may not apply for renewal more than ninety days prior to the expiration date. An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment. Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective. Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-965(6). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(a) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(6) The individual should ask each employer and/or apprenticeship training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journeyman electrician, journeyman electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(7) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

Trainees seeking a journeyman electrician certificate - working with no supervision.

(8) Trainee seeking a general **(01)** journeyman electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

(a) Has submitted a complete application for an unsupervised electrical training certificate;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-46B-910; and

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

Trainees seeking certain specialty electrician certificates - working with reduced or no supervision.

(9) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection (4) of this section.

(10) Individuals who received a temporary specialty electrician certificate using previous work experience credit as allowed in WAC 296-46B-950 and fail to successfully complete the appropriate specialty examination before the expiration of the temporary specialty electrician permit may be issued a training certificate in the appropriate specialty if the individual submits a complete application as described in WAC 296-46B-965 (4)(b) prior to the expiration of the temporary specialty electrician permit.

(11) HVAC/refrigeration trainees **(06A)** may work unsupervised when installing HVAC thermostat cable when the system consists of a single thermostat in one- and two-family dwelling units where line voltage power is not connected to the system.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-965, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-965, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- One copy of all material;
- Applicant's name, address, contact name, and telephone number;
- All required fees;
- Any other information the applicant wants to consider during the review; and
- In addition, class applications will include:
 - Sponsor's name, address, contact name, and telephone number;
 - Class title;
 - Number of continuing education hours requested for the class;
 - Statement of whether the class is open to the public;
 - Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);
 - List of resources (e.g., texts, references, etc.);
 - Copies of all visual aids;
 - Sample of the completion certificate.
- In addition, instructor application will include:
 - Instructor's name, address, telephone number;
 - Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

- The applicant in writing; and
- The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

- (A) Applicant's name and telephone number;
- (B) Date of denial;
- (C) Sponsor's name and class title if applicable;
- (D) Instructor's name if applicable; and
- (E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;
- Sponsor's name and telephone number;
- Class title;
- Class number;
- Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;
- Effective date for this class;
- Expiration date of class;
- Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);
- Sample of written class roster and attendance sheet;
- Type of class (i.e., classroom, correspondence, internet); and

- Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;
- Instructor's name and telephone number;
- Effective date for the approval; and
- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

- All requests for review must be:
- Made in writing;
- Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

- Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

- Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;
- Electrical theory based on currently published documents that are readily available for retail purchase; and/or
- Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., thirty-five questions will equal one hour of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., thirty-five questions will equal one hour of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

Supplementary written instruction material appropriate to the type and length of the class.

(iv) Class material may include:

- Supplementary internet material;
- Supplementary texts;
- Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class.

To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

- Name of participant;
- Participant's Washington certificate number;
- Name of sponsor;
- Name of class;
- Date of class;
- Name of instructor;
- Location of the class:

– If a classroom-type class, the city and state in which the class was given;

– If a correspondence class, state the class is a correspondence class;

- If an internet class, state the class is an internet class;
- Class approval number;
- Number of continuing units; and
- Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington administrator, master electrician, or electrician's certificate and has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is an instructor in a two-year program in the electrical construction trade licensed by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, qualified instructor with a state of Washington approved electrical apprenticeship program, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education.

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format approved by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with

any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials;

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-970, filed 4/26/05, effective 6/30/05. Statutory Authority: Chapter 19.28 RCW. 04-21-086, § 296-46B-970, filed 10/20/04, effective 11/22/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-970, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-970, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-998 Standards. (1) The standard(s) used, as the basis of electrical product certification, field evaluation, or department approval must be determined by the department to provide an adequate level of safety or define an adequate level of safety performance. Except for the reference of construction requirements to ensure the product can be installed in accordance with the National Electrical Code, field evaluations, by an approved laboratory, shall not use the National Electrical Code as standard for product evaluation.

(2) Generally, standards will be:

(a) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field. A standard is used to control the quality and safety of a product;

(b) Compatible with and be maintained current with periodic revisions of applicable national codes and installation standards; and

(c) Approved by the department. The department will evaluate the proposed standard to determine that it provides an adequate level of safety.

(3) All ANSI safety designated electrical product standards may be deemed acceptable for their intended use without further qualification.

(4) If the product safety standard is not ANSI, the standard must be reviewed and approved by the department as an appropriate electrical product safety standard as a part of the field evaluation or department inspection process.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-998, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-998, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

(a) The department may declare electrical equipment unsafe if:

(i) The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

(A) Report to the Consumer Product Safety Commission;

(B) A published article in the *Electrical Currents*;

(C) Internet web site posting; and/or

(D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office reviews requests for accreditation or evaluation. Applicants

must submit supporting data as outlined in subsections (4) through (54) of this section.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

- (i) The number of factory inspections;
- (ii) Organizational structure;
- (iii) Statement of ownership;
- (iv) Laboratory equipment verification;
- (v) Client accreditation programs;

(vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or

(vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

- (m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;
- (n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:
 - (i) Records of products assurance (follow-up) test results; and
 - (ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.
- (o) Record of written complaints and disposition thereof; and
- (p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

- (26) The evaluation report must include:
 - (a) Name and address of the laboratory;
 - (b) Name of client;
 - (c) Address where the evaluated product is or will be installed;
 - (d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);
 - (e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);
 - (f) Description of the overall product evaluated to include full nameplate data and equipment type;
 - (g) A statement as to whether or not the results comply with the requirements of the standard;
 - (h) Pertinent test evaluation data and identification of tests or inspections including anomalies;
 - (i) Signature of person(s) having responsibility for the report;
 - (j) Any condition of acceptability or restrictions on use/relocation;
 - (k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and
 - (l) The labor and industries department file identification number;
- (27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:
 - (a) The department's chief electrical inspector submitted electronically in a format approved by the department;
 - (b) Local electrical inspection office submitted electronically in a format approved by the department; and
 - (c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

- (28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.
- (29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:
 - (a) Equipment description;
 - (b) Name of manufacturer;
 - (c) Model, style, serial number, or other identification;

- (d) Equipment variables subject to calibration and verification;
- (e) Statement of the equipment's allowable error and tolerances of readings;
- (f) Calibration or verification procedure and schedule;
- (g) Dates and results of last calibrations or verifications;
- (h) Specified maintenance practices;
- (i) Calibration and/or verification of equipment used;
- (j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and
- (k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

- (30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.
- (31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be allowed to be the primary standard used to evaluate a product.

Product certification.

- (32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.
- (33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.
- (34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

- (35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:
 - (a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;
 - (b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee

standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department-supplied form.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551. 05-10-024, § 296-46B-999, filed 4/26/05, effective 6/30/05. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2003 c 399, 2003 c 211, 2003 c 78, and 2003 c 242. 04-12-049, § 296-46B-999, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-999, filed 4/22/03, effective 5/23/03.]

Chapter 296-52 WAC

SAFETY STANDARDS FOR POSSESSION, HANDLING, AND USE OF EXPLOSIVES

WAC

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WAC 296-52-60130 Definitions. Alien means any person who is not a citizen or national of the United States.

American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)
- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

ATF means the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Attend means the physical presence of an authorized person who stays in view of the explosives.

Authorized, approved, or approval means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

Blast area means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

- Fully qualified, by means of training and experience in explosives use
 - Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area
 - In charge of:
 - The blast process
 - All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter
 - In a position of authority:
 - To take prompt corrective action in all areas of the blast operation
 - Over all other blasters at the blast area

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

- That is intended for blasting
- Not otherwise defined as an explosive
- If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Competent person means a person who:

- Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property
- Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

- Any small firework device:
 - Designed to produce visible effects by combustion
 - That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),
 - A small device designed to produce audible effects which include, but are not limited to:
 - Whistling devices
 - Ground devices containing 50 mg or less of explosive materials
 - Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks
- Trailers
- Rail cars
- Barges
- Vessels.

Day box means a box which:

- Is a temporary storage facility for storage of explosive materials
 - Is not approved for unattended storage of explosives
 - May be used at the worksite during working hours to store explosive materials, provided the day box is:
 - Constructed as required (WAC 296-52-70065, Explosives day box)
 - Marked with the word "explosives"
 - Used in a manner that safely separates detonators from other explosives
 - Guarded at all times against theft

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- Electric detonators of instantaneous and delay types
- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:
 - Salutes containing more than 2 grains (130 mg) of explosive materials
 - Aerial shells containing more than 40 grams of pyrotechnic compositions
 - Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"
 - Fused set pieces containing components, which together exceed 50 mg of salute powder

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry consists of these items:

- **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.
- **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.
- **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.
- **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Electronic detonator means a detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module that provides initiation energy for firing the base charge.

Emulsion means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion
 - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an

ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb

- All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

• For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds
- Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

- Division 1.1 and Division 1.2 explosives (possess mass explosion or detonating hazard):

- Dynamite
- Nitroglycerin
- Picric acid
- Lead azide
- Fulminate of mercury
- Black powder (exceeding 5 pounds)
- Detonators (in quantities of 1,001 or more)
- Detonating primers

- Division 1.3 explosives (possess a minor blast hazard, a minor projection hazard, or a flammable hazard):

- Propellant explosives
- Smokeless powder (exceeding fifty pounds)

- Division 1.4 explosives:

- Explosives that present a minor explosion hazard
- Includes detonators that will not mass detonate in quantities of 1,000 or less

- Division 1.5 explosives:

- Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation
- ANFO and most other blasting agents are in this division

- Division 1.6 explosives:

- Explosives that are extremely insensitive and do not have a mass explosion hazard

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

- The department will accept U.S. DOT and/or ATF international identification markings on explosives and/or explosives containers or packaging

- This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated

markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
- For any process involving explosives
- For the storage of explosives
- To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

Fuse lighters means special devices used for the purpose of igniting safety fuses.

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his or her own use.

EXEMPTIONS: The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and doying) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

Person means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
- Limited to the capacity of explosives required for efficient blasting operation
- Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
- The utilities and transportation commission
- Municipalities
- Other public regulatory agencies, which include:
- Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
- Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting.
- Two broad classes of water-gels are those which:
- Are sensitized by material classed as an explosive, such as TNT or smokeless powder
 - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
 - Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-08-110, § 296-52-60130, filed 4/5/05, effective 6/1/05; 03-06-073, § 296-52-60130, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-60130, filed 1/23/02, effective 3/1/02.]

WAC 296-52-61020 License fees. Applicable license fees must be included with new or renewal explosives license applications.

Type of License	Fee
Dealer's License	25.00
Purchaser's License	5.00
Blaster's License	5.00
Manufacturer's License	25.00
Storage License	(See table below)

Explosive Materials STORAGE LICENSE FEES <i>RCW 70.74.140 applies</i>			
EXPLOSIVES Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	DETONATORS Maximum Number of deto- nators permitted in each maga- zine or mobile site.	FEE (for each magazine or mobile site)	
		Annual	Permanent Storage License for Two Years
200	133,000	10.00	20.00
1,000	667,000	25.00	50.00
5,000	3,335,000	35.00	70.00
10,000	6,670,000	45.00	90.00
50,000	33,350,000	60.00	120.00
300,000	200,000,000	75.00	150.00

Note: License fees will not be refunded when a license is revoked or suspended for cause.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-61020, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-61020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-61045 License terms. All licenses, including storage licenses, are valid for one year from the date of issue, unless revoked or suspended by the department prior to the expiration date.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-61045, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-61045, filed 1/23/02, effective 3/1/02.]

WAC 296-52-62010 Dealer applicant information.

The dealer applicant must:

- Give the reason they want to participate in the business of dealing in explosives
- Provide information required by WAC 296-52-61010, License applicants must provide this information
- Provide other pertinent information required by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-62010, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-62010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-63010 Applicant information. Applicants must provide the following information to the department:

- The reason explosives or blasting agents will be used
- The location where explosives or blasting agents will be used
 - The kind of explosives or blasting agents to be used
 - The amount of explosives or blasting agents to be used
 - An explosives storage plan:
 - Documenting proof of ownership of a licensed storage magazine
- OR**
 - With a signed authorization to use another person's licensed magazine
- OR**
 - With a signed statement certifying that the explosives will not be stored
 - An authorized agent list, if the purchaser chooses to authorize others to order or receive explosives on their behalf
 - The identity and current license of the purchaser's blaster

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• Information required by WAC 296-52-61010, License applicants must provide this information

• Any other pertinent information requested by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-63010, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-63010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64005 Responsibility to obtain a blaster's license. No one may conduct a blasting operation without a valid blaster's license issued by the department.

Note: A blaster's license is not required for a "hand loader."

Blaster license classifications table. The following information shows classification for blasting licenses.

• **Classification list assignment.** Classification list assignment is determined by the use of single or multiple series charges; and the knowledge, training, and experience required to perform the type of blasting competently and safely.

• **Multiple list applications.** When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:

- All classifications must be requested on the application
- Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050, Applicant information). Training and experience may fulfill qualification requirements in multiple classifications.

• **Request classifications not lists.** Applicants must request specific classifications (not list designations) on their blaster application. Licenses are not issued or endorsed for Classification Table lists A, B, or C.

• **License additions.** To add a classification to an existing license, see WAC 296-52-64085, Changes to a blaster's license classification.

License Classifications Table					
LIST A		LIST B		LIST C	
AG	Agriculture	DE	Demolition	BT	Bomb Technician*
AV	Avalanche Control	SB	Surface Blasting*	UL	Unlimited*
ED	Explosives Disposal*	UB	Underground Blasting		
FO	Forestry*	UW	Underwater Blasting		
LE	Law Enforcement*				
IO	Industrial Ordnance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

* Detailed classification information.

• **Bomb technician.** Disposal of bombs, illegal fire-works and explosive devices.

• **Explosives disposal.** Disposal of explosive materials by licensed blasters.

• **Forestry.** Includes logging, trail building, and tree top-ping.

• **Law enforcement.** Diversionary devices, explosive detection K-9 dog handlers, crowd control devices (stingers) and tactical entry.

• **Surface blasting.** Includes construction, quarries, and surface mining.

• **Unlimited.** Includes all classifications except under-ground blasting and law enforcement.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64005, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64040 List C qualifications. (1) **Unlimited classification.** To be considered for unlimited classification, the applicant must submit a detailed resume documenting:

• Experience in the majority of the classifications in Lists A and B

• A minimum of five years of continuous full time blasting experience in the explosives industry where blasting has been the applicant's primary responsibility during the previous five years.

(2) **Bomb technician.** To be considered for a bomb technician classification, the applicant must:

• Submit a copy of the certificate of graduation from the FBI Hazardous Devices School (HDS) basic course in Red-stone, Alabama.

• Submit a copy of the applicant's FBI Bomb Technician Certification identification card. The FBI Bomb Technician Certification card must bear a date that indicates that it is current at the time of application.

• Submit a letter from the applicant's law enforcement agency's head (chief or sheriff) stating that the applicant is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64040, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64040, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64050 Blaster license applicant information. An applicant for a blaster's license must provide the following information to the department:

• The application must be signed by the blasting course instructor and the qualified blaster the applicant trained under

• A detailed resume of blasting training and experience

• Satisfactory evidence of competency in handling explosives

• Information required by WAC 296-52-61010, License applicants must provide this information.

Note: The department may request additional information for the classification being applied for upon review of a blaster's resume.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64050, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64050, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64090 Blaster license renewal. The following requirements are for license renewal:

• General applicant qualifications, WAC 296-52-64020, General qualifications, apply.

• Renewal qualifications include the requirements of WAC 296-52-64090 License renewal, through WAC 296-52-64100, List C renewal qualifications.

• Training, experience, and responsibility requirements must be accrued during the one year before the application is submitted.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64090, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64090, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64095 List A and B renewal qualifications. The following requirements are for List A and B renewal qualifications:

(1) An application for a license renewal must include documentation of:

• Blasting experience, by providing a minimum of one blast record

OR

• Successful completion of eight hours of basic blaster's classroom training. The blasting course instructor must witness the submitted documentation.

(2) List A or B applicants who do not meet the minimum classification qualifications must pass a written exam administered by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64095, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64095, filed 1/23/02, effective 3/1/02.]

WAC 296-52-64100 List C renewal qualifications.

The following requirements are for List C renewal qualifications:

(1) **Unlimited classification.** To be considered for a renewal of an unlimited license, an applicant must submit a detailed resume documenting:

- Experience in the majority of classification in List A and B
- Full-time blasting experience in the explosives industry, where blasting has been the applicant's primary responsibility.

(2) **Bomb technician.** To be considered for a renewal of the bomb technician classification, an applicant must:

- Have continuous employment as a law enforcement bomb technician accrued during the previous year
- Submit a copy of their FBI Bomb Technician Certification identification card bearing the name of the person making application and an expiration date that indicates that the card is current and valid as of the date of renewal
- Submit a letter from the applicant's law enforcement agency's head (chief or sheriff) stating that the applicant is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

Note: • If the applicant's card has expired at the time of renewal, they need to show that they are enrolled in the next available course at Redstone, Alabama.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-64100, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-64100, filed 1/23/02, effective 3/1/02.]

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product must have a valid manufacturer's license from the department and a valid permit or license issued by the ATF.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-65005, filed 4/5/05, effective 6/1/05; 03-10-037, § 296-52-65005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-65005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-65010 Manufacturer applicant information. The manufacturer applicant must provide the following information to the department:

- The reason the applicant wants to manufacture explosives
- The manufacturing or processing location
- The kind of explosives manufactured, processed, or used
- The distance that the explosives manufacturing building is located, or intended to be located, from other buildings, magazines, inhabited buildings, railroads, highways, and public utility transmission systems
- A site plan. The site plan must:
 - Include the distance each manufacturing building is located from:
 - ◆ Other buildings on the premises where people are employed
 - ◆ Other occupied buildings on adjoining property

- ◆ Buildings where customers are served
- ◆ Public highways
- ◆ Utility transmission systems
- Demonstrate compliance with:
 - ◆ Applicable requirements of the Washington State Explosives Act
 - ◆ The separation distance requirements of this chapter
 - Identify and describe all natural or artificial barricades used to influence minimum required separation distances
 - Identify the nature and kind of work being performed in each building
 - Specify the maximum amount and kind of explosives or blasting agents to be permitted in each building or magazine at any one time
- Information required by WAC 296-52-61010, License applicants must provide this information
- Other pertinent information required by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-65010, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-65010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-66005, filed 4/5/05, effective 6/1/05; 03-10-037, § 296-52-66005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-66005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-66010 Storage applicant information. Applicants must provide the following information to the department:

- The address or a legal description of the existing or proposed magazine or mobile storage site must be clearly identified
- The reason explosive materials will be stored
- The kind of explosives or blasting agents that will be stored
- The maximum quantity of explosive materials that are or will be stored
- Identify the total weight, in pounds, of all explosive materials to be stored on site
- The distance that the magazine is located or intended to be located from other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways, and public utility transmission systems
- How long the storage license is needed
- Information required by WAC 296-52-61010, License applicants must provide this information
- Any other pertinent information requested by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-66010, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-66010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-67080 Drilling. (1) Unexploded charges.

(a) Drilling cannot begin:

(i) When there is danger of drilling into a charged or mis-fired hole.

(ii) Until all remaining butts of old holes are examined for unexploded charges.

(b) Unexploded charges must be re-fired before work proceeds.

(2) **Distance limits during drilling.** Blasters cannot load or use explosives closer than:

(a) The length of the steel being used for drilling

OR

(b) Within fifty feet of drilling operations, whichever is greater.

(3) **Prior to loading drill holes.**

(a) Holes must be checked prior to loading to determine depth and conditions.

(b) Drill holes that have contained explosives or blasting agents cannot be deepened.

(c) Drill holes must be large enough to allow unobstructed or free insertion of explosive cartridges.

(4) **Enlarging or springing a drill hole.**

(a) A drill hole cannot be sprung when it is near a loaded hole.

(b) A minimum of two hours must pass after a charge has exploded in a drill hole that was enlarged or "sprung," before loading another charge of explosives into the hole.

Note: You do not have to wait two hours if the sprung hole is thoroughly wet down with water before it is loaded.

(c) Flashlight batteries cannot be used as a power source for springing holes.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-67080, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-67080, filed 1/23/02, effective 3/1/02.]

WAC 296-52-67165 Fixed location mixing. (1) Buildings.

(a) **Locations.**

(i) **Separation distance tables.** Buildings or other facilities used for manufacturing emulsions and water-gels must meet the separation distance requirements of Table H-21 for:

(A) Inhabited buildings

(B) Passenger railroads

(C) Public highways

(ii) **Determining distance.** When determining the distances separating highways, railroads, and inhabited buildings from potential explosions (Table H-20), the sum of all masses that may propagate (i.e., lie at distances less than specified in Table H-22) from either individual or combined donor masses are included in the sum. However, when ammonium nitrate must be included, only fifty percent of its weight must be used because of its reduced blast effects.

(b) **Construction.** Buildings used for the manufacture of water-gels or emulsions must:

(i) Be constructed of noncombustible material or sheet metal on wood studs.

(ii) Have mixing plant floors made of nonabsorbent materials, such as concrete.

(iii) Be well ventilated.

(c) **Heat sources.** Heating units that are designed to be independent of the combustion process within the heating unit, may be used within processing buildings or compartments if they:

(i) Have temperature and safety controls

AND

(ii) Are located away from combustible materials and the finished product.

(d) **Internal combustion engines.**

(i) **Location.** All internal combustion engines used for electric power generation must be:

(A) Located outside the mixing plant building

OR

(B) Properly ventilated and isolated by a firewall

(ii) **Exhaust systems.** Engine exhaust systems must be located to prevent spark emissions from becoming a hazard to any materials, in or near the plant.

(e) **Fuel oil storage.**

(i) **Facilities.** Fuel oil storage facilities must be:

(A) Independent structures

(B) Located away from the manufacturing building

(ii) **Surrounding area.** In order to prevent oil from draining toward a manufacturing building in the event of a tank rupture, the surrounding grounds must slope away from the building.

(2) **Storage of water-gel and emulsion ingredients.**

(a) **Explosive ingredients.** Ingredients must be stored with compatible materials.

(b) **Nitrate water solutions.**

(i) Nitrate water solutions can be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations.

(ii) Spills or leaks which may contaminate combustible materials must be cleaned up immediately.

(c) **Metal powders.** Metal powders, for example, aluminum, must be:

(i) Kept dry

AND

(ii) Stored in containers or bins that are moisture resistant or weather tight.

(d) **Solid fuels.** Solid fuels must be used in a way that minimizes dust explosion hazards.

(e) **Peroxides and chlorates.** Peroxides and chlorates cannot be used.

(3) **Mixing equipment.** Mixing equipment must comply with these requirements:

(a) **Design.** The design of processing equipment, including mixers, pumps, valves, conveying, and other related equipment, must:

(i) Be compatible with the relative sensitivity of other materials being handled.

(ii) Minimize the possibility of frictional heating, compaction, overloading, and confinement.

(iii) Prevent the introduction of foreign objects or materials.

(iv) Be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(b) **Handling procedures.** Equipment handling procedures must be designed to prevent the introduction of foreign objects or materials.

(c) **Housekeeping.**

(i) A cleaning and collection system for dangerous residues must be provided.

(ii) The mixing, loading, and ingredient transfer areas, where residues or spilled materials may accumulate, must be cleaned periodically.

(d) **Electrical equipment.** Electrical equipment must:

(i) Comply with the requirements of WAC 296-800-280, Basic electrical rules, including wiring, switches, controls, motors, and lights.

(ii) Have appropriate overload protection devices for all electric motors and generators.

(iii) Be electrically bonded with electrical generators, motors, proportioning devices, and all other electrical enclosures.

(iv) Have grounding conductors effectively bonded to:

(A) The service entrance ground connection

OR

(B) All equipment ground connections in a manner to provide a continuous path to ground

(4) **Mixing facility fire prevention.** Mixing facilities must comply with these fire prevention requirements:

(a) All direct sources of heat must only come from units located outside of the mixing building.

(b) A daily visual inspection must be made of the mixing, conveying, and electrical equipment to make sure they are in good operating condition.

(c) A systematic maintenance program must be conducted on a regular schedule.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-67165, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-67165, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69020 Storage facilities. Explosives, except as specified in WAC 296-52-69015, and detonators in quantities of more than one thousand must be stored in permanent Type 1 magazines or approved and licensed magazines.

Note 1: Components storage.

Any two components which when mixed and become capable of detonation by a #8 detonator must be stored in a licensed approved magazine. Each component of two component explosives when unmixed must be stored in separate locked containers.

Note 2: Electro magnetic radiation precautions.

Blasting operations or storage of electrical detonators are prohibited in the area of operation radio frequency (RF) transmitter stations except where the clearances (WAC 296-52-67060, Extraneous electricity and radio frequency (RF) transmitters) can be observed.

Note 3: Detonators, electric detonators, detonating primers, and primed cartridges.

Detonators, electric detonators, detonating primers, and primed cartridges cannot be stored together or in the same magazine with other explosives.

Note 4: Ammonium perchlorate rocket motors.

Ammonium perchlorate rocket motors in 62.5 grams amounts or greater, but not to exceed fifty pounds in total weight of explosives, may be stored in an attached garage of a single-family residence if the living area is separated by a fire wall with one-hour minimum fire resistance.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-69020, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-69020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70005 Type 1 magazines: Permanent storage facilities. A Type 1 storage facility must be:

- A permanent structure such as:

- A building
- An igloo
- An army-type structure
- A tunnel

OR

- A dugout

- Bullet resistant, fire resistant, weather resistant, theft resistant, and well ventilated.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70005, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70010 Building construction for Type 1 magazines. All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials

- Have no openings except for entrances and ventilation

- Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block

- Be at least eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

OR

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

- Have interior walls covered with a nonsparking material

(c) **Fabricated metal wall construction.**

- Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

OR

- Aluminum (at least number 14 gauge)

- Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

(d) **Wood frame wall construction.**

- Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

- Inner walls, made of nonsparking materials must be constructed with a space:

– A minimum of six inches between the outer and inner walls

AND

– Filled with coarse dry sand or weak concrete

(2) **Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) **Foundation.**

• Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

• If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) **Roof.**

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

• A sand tray must be:

– Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

– Lined with a layer of building paper.

– Filled with at least four inches of coarse dry sand.

• A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) **Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

• Welding

• Riveting

OR

• Bolting nuts on the inside of the door

(6) **Locks.**

(a) Each door must be equipped with:

• Two mortise locks

• Two padlocks fastened in separate hasps and staples

• A combination of a mortise lock and a padlock

• A mortise lock that requires two keys to open

OR

• A three-point lock

(b) Padlocks must:

• Have a minimum of five tumblers

• Have a case hardened shackle at least 3/8 inches in diameter

• Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) **Ventilation.**

• A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

• Foundation ventilators must be at least four inches by six inches

• Vents in the foundation, roof, or gables must be screened and offset

(8) **Exposed metal.**

• Sparking metal construction cannot be exposed below the tops of walls in storage facilities

• All nails must be blind nailed, countersunk, or nonsparking.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70010, filed 4/5/05, effective 6/1/05; 03-06-073, § 296-52-70010, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70015 Igloos, army-type structures, tunnels, and dugouts. These storage facilities must:

• Be constructed of reinforced concrete, masonry, metal, or a combination of these materials

• Have an earth mound covering of at least twenty-four inches on the top, sides, and rear unless the magazine meets the requirements of WAC 296-52-70010 (4)(b), Building construction for roofs

• Have interior walls and floors covered with a nonsparking material

• Be constructed according to the requirements of WAC 296-52-70005, Type 1 magazines: Permanent storage facilities, through WAC 296-52-70060, Construction.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70015, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70015, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70020 Type 2 magazines: Portable field storage. A Type 2 storage facility must:

• Be a box, trailer, semi-trailer, or other mobile facility. When an unattended vehicular magazine is used, the wheels must be removed or it must be effectively immobilized by kingpin locking devices or other methods approved by the department

• Be bullet resistant, fire resistant, weather resistant, theft resistant, and well ventilated

• Be a minimum of one cubic yard

• Be supported to prevent direct contact with the ground

• Have the ground around the magazine slope away for drainage or provide for other adequate drainage.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70020, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70025 Construction for Type 2 magazines. (1) Exterior, doors, and top openings.

(a) The exterior and doors must be constructed of at least 1/4-inch steel and lined with a minimum of three-inch hardwood.

(b) Magazines with top openings must have lids with water resistant seals or lids that overlap the sides by a minimum of one inch when closed.

(2) **Hinges and hasps.** Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(3) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must have:

- A minimum of five tumblers and a case hardened shackle with a minimum of 3/8-inch diameter
- A minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(4) **Ventilation.**

- A two-inch air space must be left around ceilings and the perimeter of floors, except at doorways
- Foundation ventilators must be at least four inches by six inches
- Vents in the foundation, roof, or gables must be screened and offset

(5) **Exposed metal.**

- Sparking metal cannot be exposed below the top of walls in the storage facilities
- All nails must be blind nailed, countersunk, or nonsparking

Note: The following are nonmandatory construction alternatives for magazine exteriors:

- All steel and wood dimensions shown are actual thickness
- The manufacturer's represented thickness may be used to meet the concrete block and brick dimensions.

3/16

- 3/16-inch steel lined with an interior of 4-inch hardwood.

- 3/16-inch steel lined with:

An interior of 7 inches of softwood

OR

6 3/4 inches of plywood.

- 3/16-inch steel lined with:

An intermediate layer of 3-inch hardwood

AND

An interior lining of 3/4-inch plywood.

1/8

- 1/8-inch steel lined with an interior of 5-inch hardwood.

- 1/8-inch steel lined with an interior of 9-inch softwood.

- 1/8-inch steel lined with:

An intermediate layer of 4-inch hardwood

AND

An interior lining of 3/4-inch plywood.

- 1/8-inch steel lined with:

A first intermediate layer of 3/4-inch plywood.

A second intermediate layer of 3 5/8 inches well-tamped dry sand

OR

Sand/cement mixture.

An interior lining of 3/4-inch plywood.

- 5/8-inch steel lined with an interior of any type of non-sparking material.

- 1/2-inch steel lined with an interior of at least 3/8-inch plywood.

- 3/8-inch steel lined with an interior of 2-inch hardwood.

- 3/8-inch steel lined with an interior of:
3 inches softwood

OR

2 1/4 inches of plywood.

- 1/4-inch steel lined with:

An interior of 5 inches of softwood

OR

5 1/4 inches of plywood.

- Any type of structurally sound fire resistant material lined with:

An intermediate layer of 4-inch solid concrete block

OR

4-inch solid brick or concrete

AND

An interior lining of 1/2-inch plywood placed securely against the masonry lining.

- Standard 8-inch concrete block with voids filled with well tamped sand/cement mixture.

- Standard 8-inch solid brick.

- Any type of structurally sound fire resistant material lined with an intermediate 6-inch space filled with:

Well tamped dry sand

OR

Well tamped sand/cement mixture.

- Any type of fire resistant material lined with:

A first intermediate layer of 3/4-inch plywood,

A second intermediate layer of 3 5/8-inch well tamped dry sand

OR

Sand/cement mixture,

A third intermediate layer of 3/4-inch plywood,

A fourth intermediate layer of 2-inch hardwood

OR

14 gauge steel and an interior lining of 3/4-inch plywood,

8-inch thick solid concrete.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-08-110, § 296-52-70025, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70025, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70030 Type 3 magazines: Indoor storage facilities.

- Detonators in quantities of one thousand or less
- Ammonium perchlorate rocket motors in 62.5 gram amounts or greater, but not to exceed fifty pounds in total weight of explosives.

OR

- Diversionary devices intended for law enforcement use only, but not to exceed fifty pounds in total weight of explosives.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70030, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70030, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70040 Construction for Type 3 magazines. (1) Sides, bottoms, and covers must be constructed with a minimum of number 12 gauge metal and lined with a nonsparking material.

(2) Hinges and hasps must be attached so they cannot be removed from the outside.

(3) One steel padlock, which does not need to be protected by a steel hood, having a minimum of five tumblers and a case hardened shackle of a minimum of 3/8-inch diameter is sufficient for locking purposes.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70040, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70040, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or electric detonator storage facilities. A Type 4 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, a trailer, semi-trailer, or other mobile facility
- Be fire resistant, weather resistant, and theft resistant
- Have the ground around the facility slope away for drainage
- Have the wheels removed or effectively immobilized by kingpin locking devices or other methods approved by the department, when an unattended vehicular magazine is used.

Note: Test results show that electric detonators are not affected by sympathetic detonation. Therefore, a Type 4 storage facility meets the necessary requirements for storage of electric detonators.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70045, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70045, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70050 Construction for Type 4 magazines. (1) These magazines must be constructed of masonry, metal covered wood, fabricated metal, or a combination of these materials.

(2) **Foundations.** Foundations must be constructed of:

- Brick
- Concrete
- Cement block
- Stone
- Metal

OR

- Wood posts

(3) The space under the building must be enclosed with fire resistant material, if piers or posts replace continuous foundation.

(4) The walls and floors must be made or covered with a nonsparking material or lattice work.

(5) Doors must be metal or solid wood covered with metal.

(6) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(7) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers
- Have a case hardened shackle of a minimum of 3/8-inch diameter
- Be protected with a minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70050, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70050, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70055 Type 5 magazines: Blasting agent storage facilities. A Type 5 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, or a trailer, semi-trailer, or other mobile facility
- Be weather resistant and theft resistant
- Have the ground around the facility slope away for drainage
- Have the wheels removed or be effectively immobilized by kingpin locking devices or other methods approved by the department, when the unattended vehicular magazine is used.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70055, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70055, filed 1/23/02, effective 3/1/02.]

WAC 296-52-70060 Construction for Type 5 magazines. (1) Doors must be constructed of solid wood or metal.

(2) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(3) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must have:

- A minimum of five tumblers
- A case hardened shackle of a minimum of 3/8-inch diameter

• Padlocks must be protected with a minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: Trailers, semi-trailers, and similar vehicular magazines. Each door may be locked with one 3/8-inch diameter steel padlock and does not need to be protected by a steel hood, if the door hinges and lock hasp are securely fastened to the magazine and to the doorframe. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-70060, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70060, filed 1/23/02, effective 3/1/02.]

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives. Small arms ammunition cannot be stored with Division 1.1, 1.2, or 1.3 explosives.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-71020, filed 4/5/05, effective 6/1/05; 03-06-073, § 296-52-71020, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-71020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-71080 Storage. (1) Private residence. No more than five pounds of black powder is permitted. No restrictions apply.

(2) **Private car.** No more than five pounds of black powder is permitted. No restrictions apply.

(3) **Dealer's warehouse.** No more than twenty-five pounds of black powder is permitted. Black powder must be stored in an appropriate container or cabinet, which is securely locked.

(4) **Magazine.** Quantities of black powder, as used in muzzleloading firearms, in excess of twenty-five pounds must be stored in licensed magazines (see Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-08-110, § 296-52-71080, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-71080, filed 1/23/02, effective 3/1/02.]

WAC 296-52-725 Appendix B, sample format for a blast record, nonmandatory.

Note: The sample blast record format is nonmandatory, but the information shown in the sample is required per WAC 296-52-67010(8), Blast records.

SAMPLE FORMAT FOR A BLAST RECORD

(Minimum Record Requirements)

Blast/Record Date _____ Blast # _____ Time of Blast _____ ☐ AM ☐ PM

Employer: _____

Blast-Site Location: _____

Blast Crew Members:

General Weather Conditions (Clouds & Ceiling, Humidity, Wind Speed/Direction, Temperature, etc.):

Type & Condition of Rock Blasted:

Number of Boreholes	Diameter _____ in.	Depth _____ ft.	Backfill _____
Borehole Water Depth	Burden _____ ft.	Spacing _____	
Number of Rows	Stemming _____ ft.	Stemming Material _____	
Non-Standard Pattern Details: _____			

**MAKE, TYPE and AMOUNT
Of Explosives Used**

_____ lb.

_____ lb.

_____ lb.

_____ lb.

_____ lb.

_____ lb.

Total Pounds in Blast = _____ lb.

Maximum boreholes per delay _____ Maximum loaded pounds per delay _____

Number of decks per borehole _____ Weight of explosives per deck _____

Distance, direction, and address of closest structure from blast site _____ ft.

Distance: _____ ft. Direction: _____ Address: _____

Calculated scaled distance $W = (D/(55/60/65))^2 =$ _____ Maximum lb. Per delay allowed in (USBM)

Distance, direction, and address of seismographs from the blasts site.

Distance: _____ ft. Direction: _____ Address: _____

Calibration dates of seismographs used:

Number _____ Date _____ Number _____ Date _____

Method used to measure distances (Laser RF, Optical RF, GPS, Tape, Wheel, Map)?

Other Method: _____

DETONATORS☐ Electric ☐ None

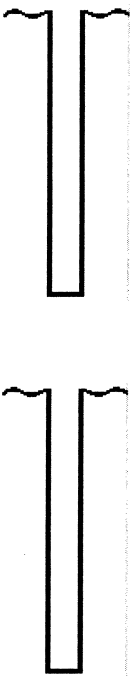
Manufacturer _____

Length _____

Delay Periods _____

of Units _____

☐ Cord _____

BLASTING RECORD	
SKETCH OF BLAST LAYOUT IDENTIFY SHOT LOCATION BY STATION OR BY DIRECTION AND DISTANCE TO KNOWN STRUCTURE OR OBJECT. SHOW NORTH ARROW. SHOW DELAY NUMBER BY HOLE AND WIRING/CORD/TUBING HOOKUP.	
<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div> BLAST LOCATION & BLAST NUMBER _____ </div> <div> DATE: ____/____/____ </div> </div> <div style="border: 1px solid black; width: 100%; height: 300px; margin-bottom: 10px;"></div> <div> BLAST COMMENTS including fragmentation, muckpile configuration, and flyrock (use additional paper if needed) </div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div>	<div style="text-align: center; margin-bottom: 10px;">TYPICAL HOLES</div> <div style="display: flex; align-items: center;">  <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-left: 5px;"> SHOW: Depth, Stemming, Decks, Water, Primer Locations, Subdrilling, etc. </div> </div>
<div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> SIGNATURE (Blaster in charge): _____ </div> <div> Date: _____ </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> License Number: _____ </div> <div> Expiration Date: _____ </div> </div>	

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-08-110, § 296-52-725, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050, 02-03-125, § 296-52-725, filed 1/23/02, effective 3/1/02.]

Chapter 296-54 WAC

SAFETY STANDARDS—LOGGING OPERATIONS

WAC

296-54-51150 Respiratory protection.

WAC 296-54-51150 Respiratory protection. The employer must provide respiratory protection when required by chapter 296-842 WAC, Respirators.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-20-055, § 296-54-51150, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-54-51150, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW

49.17.010, [49.17].040 and [49.17].050. 99-17-117, § 296-54-51150, filed 8/18/99, effective 12/1/99.]

Chapter 296-56 WAC

SAFETY STANDARDS—LONGSHORE, STEVEDORE AND RELATED WATERFRONT OPERATIONS

WAC

296-56-60001	Scope and applicability.
296-56-60005	Definitions.
296-56-60053	Hazardous atmospheres and substances.
296-56-60057	Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053).
296-56-60107	Terminal facilities handling menhaden and similar species of fish.
296-56-60110	Respiratory protection.
296-56-60235	Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere").

WAC 296-56-60001 Scope and applicability. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24, 296-62 and 296-800 WAC are applicable to all longshore, stevedore and related waterfront operations: Provided, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24, 296-62 and 296-800 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—Chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) Toxic and hazardous substances are regulated by chapters 296-62 and 296-841 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapters 296-62 and 296-841 WAC, this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing loss prevention (noise)—Chapter 296-817 WAC.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—Chapter 296-24 WAC Part J-2.

(f) Safe practices of abrasive blasting operations—Chapter 296-24 WAC Part H-2.

(g) Access to employee exposure and medical records—Chapter 296-62 WAC Part B.

(h) Respiratory protection—Chapter 296-842 WAC.

(i) Safety standards for grain handling facilities—Chapter 296-99 WAC.

(j) Chemical hazard communication program—WAC 296-800-170.

(k) Asbestos—Chapters 296-62 Part I-1 and 296-65 WAC.

(l) Permit - required confined spaces and confined space—Chapter 296-62 WAC Part M.

(m) Servicing multipiece and single-piece rim wheels—Chapter 296-24 WAC Part D.

(n) First-aid requirements—WAC 296-800-150.

(o) Employee emergency plans and fire prevention plans—Chapter 296-24 WAC Part G-1.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

(5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60001, filed 1/18/05, effective 3/1/05; 03-11-060, § 296-56-60001, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-56-60001, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040. 99-02-024, § 296-56-60001, filed 12/30/98, effective 3/30/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60001, filed 1/18/95, effective 3/1/95; 93-07-044 (Order 93-01), § 296-56-60001, filed 3/13/93, effective 4/27/93. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60001, filed 10/30/92, effective 12/8/92. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-56-60001, filed 11/22/91, effective 12/24/91; 89-11-035 (Order 89-03), § 296-56-60001, filed 5/15/89, effective 6/30/89; 88-14-108 (Order 88-11), § 296-56-60001, filed 7/6/88. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60001, filed 1/17/86; 85-10-004 (Order 85-09), § 296-56-60001, filed 4/19/85; 85-01-022 (Order 84-24), § 296-56-60001, filed 12/11/84.]

WAC 296-56-60005 Definitions. "Apron" means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

"Assistant director for the division of WISHA services" means the assistant director of WISHA services, department of labor and industries or his/her authorized representative.

"Authorized," in reference to an employee's assignment, means selected by the employer for that purpose.

"Cargo door" (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

"Cargo packaging" means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

"Confined space" means a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and

- Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

- Is not designed for continuous employee occupancy.

"Conveyor" means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

"Danger zone" means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

"Designated person" means a person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

"Dock" means a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

"Dock facilities" includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

"Dockboards" (car and bridge plates) mean devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than 4 feet (1.22 m).

"Enclosed space" means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

"Examination," as applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

"Flammable atmosphere" means an atmosphere containing more than ten percent of the lower flammable limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

"Front-end attachments."

- As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and side-shifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

- As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

"Fumigant" is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

"Hazardous cargo, material, substance or atmosphere" means:

- Any substance listed in chapters 296-62 and 296-841 WAC;

- Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;

- Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173;

- Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

- Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

"House falls" means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

"Inspection," as applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

"Intermodal container" means a reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

"Loose gear" means removable or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

"Marina" means a small harbor or boat basin providing dockage, supplies, and services for small craft.

"Marine terminal" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

"Permit-required confined space (permit space)" means a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;

- Contains a material that has the potential for engulfing an entrant;
- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

"Ramps" mean other flat-surface devices for passage between levels and across openings not covered under "dock-boards."

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60005, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-21-103, § 296-56-60005, filed 10/18/00, effective 2/1/01. Statutory Authority: RCW 49.17.040. 99-02-024, § 296-56-60005, filed 12/30/98, effective 3/30/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60005, filed 1/18/95, effective 3/1/95. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60005, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60005, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60005, filed 12/11/84.]

WAC 296-56-60053 Hazardous atmospheres and substances. (1) Purpose and scope. This section covers areas where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: WAC 296-56-60049 Hazardous cargo; WAC 296-56-60051 Handling explosives or hazardous materials; WAC 296-56-60055 Carbon monoxide; WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives; WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish; WAC 296-56-60235 Welding, cutting and heating (hot work); and WAC 296-56-60237 Spray painting.

(2) Determination of hazard.

(a) Whenever a room, building, vehicle, railcar or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person shall test the atmosphere before entry to determine whether a hazardous atmosphere exists.

(b) Records of results of any tests required by this section shall be maintained for at least thirty days.

(3) Testing during ventilation. When mechanical ventilation is used to maintain a safe atmosphere, tests shall be made by a designated person to ensure that the atmosphere is not hazardous.

(4) Entry into hazardous atmospheres. Only designated persons shall enter hazardous atmospheres. The following provisions shall apply:

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory and emergency protective equipment meeting the requirements of chapter 296-842 WAC;

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such space; and

(c) Except for emergency or rescue operations, employees shall not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than nineteen

and one-half percent oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations shall be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which shall be utilized.

(d) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means shall be posted at all means of access to those spaces.

(5) When the packaging of asbestos cargo leaks, spillage shall be cleaned up by designated employees protected from the harmful effects of asbestos as required by WAC 296-62-07517 and chapter 296-65 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60053, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-56-60053, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60053, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60053, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60053, filed 12/11/84.]

WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053). (1) Whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative, a determination shall be made as to whether a hazardous atmosphere is present in the space. Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) Tests to determine the atmospheric concentration of chemicals used to treat cargo shall be:

(a) Appropriate for the hazard involved;

(b) Conducted by designated persons; and

(c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapters 296-62 and 296-841 WAC.

(3) Results of any tests shall be available for at least thirty days.

(4) Chemicals shall only be applied to cargoes by designated persons.

(5) Only designated persons shall enter hazardous atmospheres. Whenever a hazardous atmosphere is entered the following provisions apply.

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory and emergency protective equipment meeting the requirements of part G of this standard; and

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such a space.

(6) Signs shall be clearly posted where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs shall note the danger, identify specific chemical hazards, and give appropriate information and

precautions, including instructions for the emergency treatment of employees affected by any chemical in use.

(7) In the case of containerized shipments of fumigated tobacco, the contents of the container shall be aerated by opening the container doors for a period of forty-eight hours after the completion of fumigation and prior to loading. When tobacco is within shipping cases having polyethylene or similar bag liners, the aeration period shall be seventy-two hours. The employer shall obtain a written warranty from the fumigation facility stating that the appropriate aeration period has been met.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60057, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-21-103, § 296-56-60057, filed 10/18/00, effective 2/1/01. Statutory Authority: RCW 49.17.040. 99-02-024, § 296-56-60057, filed 12/30/98, effective 3/30/99. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60057, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60057, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60057, filed 12/11/84.]

WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish. (1)(a) Tanks in terminal areas used for receiving or storing bailwater for recirculating into vessel holds in discharging operations shall be opened or ventilated to minimize contamination of water circulated to the vessel. Bailwater tanks shall be thoroughly drained upon completion of each day's operations and shall be left open to the air. Drainage is unnecessary when bailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees shall not enter the tank when the hydrogen sulfide level exceeds twenty ppm or oxygen content is less than nineteen and one-half percent, except in emergencies.

(c) Tests shall be conducted by designated personnel with suitable test equipment and respiratory protective equipment complying with the provisions of this chapter and chapter 296-842 WAC.

(2) Pipelines and hoses on the dock or terminal used for receiving and circulating used bailwater shall be completely drained upon completion of each day's operation and left open to the air.

(3) At least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-842 WAC shall be available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency shall, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, shall be continuously stationed outside the tank to observe and to provide rescue services.

(4) The plant superintendent and foremen shall be trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They shall be trained in the use of appropriate respiratory and other protective equip-

ment, and in rescue procedures. Other supervisory plant personnel shall be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) Supervisory personnel shall be on hand at dockside to supervise discharging of bailwater from vessels.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60107, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-21-103, § 296-56-60107, filed 10/18/00, effective 2/1/01. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60107, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60107, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60107, filed 12/11/84.]

WAC 296-56-60110 Respiratory protection. The respiratory protection requirements of chapter 296-842 WAC, Respirators, apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-56-60110, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-56-60110, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60110, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60110, filed 12/11/84.]

WAC 296-56-60235 Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere"). (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until all requirements of chapter 296-62 WAC, Part M, are met.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employees or flammable or combustible materials are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-pro-

ducing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

(iv) Shall be secured when moved by vehicle;

(v) Shall be secured while in use;

(vi) Shall have valves closed when cylinders are empty, being moved or stored;

(vii) Shall be secured upright except when hoisted or carried;

(viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) Shall not be thawed by boiling water;

(x) Shall not be exposed to sparks, hot slag, or flame;

(xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) Shall not be used as rollers or supports;

(xiii) Shall not have contents used for purposes not authorized by the supplier;

(xiv) Shall not be used if damaged or defective;

(xv) Shall not have gases mixed within, except by gas suppliers;

(xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6.1 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) Use of fuel gas. Fuel gas shall be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and

one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose.

(i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not be interchangeable. Hoses having more than one gas passage shall not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.16 cm of each 30.48 cm) shall be taped.

(iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before reuse. Defective hose shall not be used.

(iv) Hose couplings shall not unlock or disconnect without rotary motion.

(v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes shall be ventilated.

(d) Torches.

(i) Torch tip openings shall only be cleaned with devices designed for that purpose.

(ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.

(iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.

(e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

(5) Arc welding and cutting.

(a) Manual electrode holders.

(i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.

(b) Welding cables and connectors.

(i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operation, taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.

(c) Ground returns and machine grounding.

(i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections shall be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.

(e) Hot electrode holders shall not be dipped in water.

(f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect shall not be used.

(h)(i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, they shall

wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.

(6) Ventilation and employee protection in welding, cutting and heating.

(a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c)(ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall, in addition to the requirements of chapter 296-62 WAC, Part M, ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear respirators in accordance with chapter 296-842 WAC.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-842 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing

apparatus, in accordance with the requirements of chapter 296-842 WAC.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c)(i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-842 WAC and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-842 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators in accordance with the requirements of chapter 296-842 WAC.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution shall be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (10.16 cm) from the area of heat application or employees shall be protected by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection
Against Radiant Energy

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8 inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes	10
Inert gas Metal-Arc Welding (nonferrous) 1/16 to 5/32-inch electrodes	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes	12
5/16 and 3/8-inch electrodes	14

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-56-60235, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-21-103, § 296-56-60235, filed 10/18/00, effective 2/1/01. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-56-60235, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60235, filed 1/18/95, effective 3/1/95. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60235, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60235, filed 1/17/86; 85-10-004 (Order 85-09), § 296-56-60235, filed 4/19/85; 85-01-022 (Order 84-24), § 296-56-60235, filed 12/11/84.]

Chapter 296-62 WAC

GENERAL OCCUPATIONAL HEALTH STANDARDS

WAC

296-62-07306	Requirements for areas containing carcinogens listed in WAC 296-62-07302.
296-62-07329	Vinyl chloride.
296-62-07336	Acrylonitrile.
296-62-07342	1,2-Dibromo-3-chloropropane.
296-62-07355	Ethylene oxide.
296-62-07367	Respiratory protection and personal protective equipment.
296-62-07413	Respirator protection.
296-62-07460	Butadiene.
296-62-07521	Lead.
296-62-07540	Formaldehyde.
296-62-07615	Respiratory protection.
296-62-07722	Employee information and training.
296-62-14533	Cotton dust.
296-62-20011	Respiratory protection.
296-62-20019	Employee information and training.
296-62-40001	Scope and application.
296-62-40007	Employee exposure determination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-62-07523	Benzene. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-01-172, § 296-62-07523, filed 12/21/04, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].-
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- 050.01-11-038, § 296-62-07523, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07523, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 88-21-002 (Order 88-23), § 296-62-07523, filed 10/6/88, effective 11/7/88.] Repealed by 05-13-152, filed 6/21/05, effective 8/1/05. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-62-3060 Engineering controls, work practices, and personal protective equipment for employee protection. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-3060, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.040, 99-07-097, § 296-62-3060, filed 3/23/99, effective 6/23/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-62-3060, filed 7/20/94, effective 9/20/94; 90-20-091 (Order 90-14), § 296-62-3060, filed 10/1/90, effective 11/15/90; 89-21-018, § 296-62-3060, filed 10/10/89, effective 11/24/89; 88-21-002 (Order 88-23), § 296-62-3060, filed 10/6/88, effective 11/7/88.] Repealed by 05-01-166, filed 12/21/04, effective 4/2/05. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
- 296-62-3195 Appendix E—Training curriculum guidelines. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-3195, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-3195, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, 99-07-097, § 296-62-3195, filed 3/23/99, effective 6/23/99. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-62-3195, filed 1/18/95, effective 3/10/95.] Repealed by 05-01-166, filed 12/21/04, effective 4/2/05. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

WAC 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302. (1) A regulated area shall be established by an employer where listed carcinogens are manufactured, processed, used, repackaged, released, handled or stored.

(2) All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with carcinogens within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where carcinogens are stored in sealed containers, or contained in a closed system including piping systems with any sample ports or openings closed while carcinogens are contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in WAC 296-62-07304(12) are prohibited.

(d) Transfer from a closed system. Charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory-type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this section shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in handling operations involving the following carcinogens must be provided with and required to wear and use a full-face, supplied-air respirator, of the continuous flow or pressure-demand type as required in chapter 296-842 WAC:

- Methyl Chloromethyl Ether;
- bis-Chloromethyl Ether;
- Ethylenimine;
- beta-Propiolactone;
- 4-Amino Diphenyl.

(v) Employees engaged in handling operations involving:

- 4-nitrobiphenyl;
- alpha-naphthylamine;
- 4-4'methylene bis(2-chloroaniline);
- 3-3'dichlorobenzidine (and its salts);
- beta-naphthylamine;
- benzidine;
- 2-acetyl amino fluorene;
- 4-dimethylaminobenzene;
- n-nitrosodimethylamine

must be provided with, and required to wear and use, a half-face, filter-type respirator certified for solid or liquid particulates with minimum efficiency rating of 95% as required in chapter 296-842 WAC. A respirator affording higher levels of protection than this respirator may be substituted.

(vi) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under WAC 296-62-07310 (2), (3) and (4).

(vii) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(viii) Employees shall be required to shower after the last exit of the day.

(ix) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving

work in an area where direct contact with carcinogens could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear, clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with WAC 296-800-160, and respiratory protective equipment required by this chapter 296-842 WAC;

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of carcinogens listed in WAC 296-62-07302.

(i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which carcinogens are handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of listed carcinogens shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be

identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where carcinogens are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of the carcinogens shall be maintained.

(xii) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07306, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07306, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07306, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 96-09-030, § 296-62-07306, filed 4/10/96, effective 6/1/96. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-16-009 (Order 86-28), § 296-62-07306, filed 7/25/86; 85-10-004 (Order 85-09), § 296-62-07306, filed 4/19/85. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-16-015 (Order 81-20), § 296-62-07306, filed 7/27/81. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-62-07306, filed 11/13/80.]

WAC 296-62-07329 Vinyl chloride. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the department of transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him/her to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means the director of department of labor and industries or his/her designated representative.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under subdivision (a) of this subsection shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subdivision (a) of this subsection shall be performed.

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subsection.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (7) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this section.

(b) Respirator program. The employer must establish, implement, and maintain a respiratory protection program as required in chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(c) Respirator selection. Respirators must be selected from the following table.

Atmospheric concentration of Vinyl Chloride	Apparatus
(i) Not over 10 ppm	Any chemical cartridge respirator with a vinyl chloride cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.
(ii) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.

**Atmospheric
concentration of
Vinyl Chloride**

(iii)	Not over 100 ppm	Apparatus Supplied air respirator demand type, with full facepiece.
(iv)	Not over 250 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(v)	Not over 3,600 ppm	Combination Type C supplied air respirator, pressure demand type, with full or half facepiece and auxiliary self-contained air supply.
(vi)	Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.

(d) Where air-purifying respirators are used:

(i) Air-purifying canisters or cartridges must be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system must be provided when concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use, and

(iii) Respirators specified for higher concentrations may be used for lower concentration.

(8) Hazardous operations.

(a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with subsections (3) and (7) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(b) Protective garments shall be provided clean and dry for each use.

(c) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(i) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subdivisions (a) and (b) of this subsection;

(ii) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in

a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (see Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

(D) Serum glutamic pyruvic transaminase (SGPT), and

(E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by subdivision (a) of this subsection will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subdivision (a) of this subsection, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE
EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

CONTAMINATED WITH VINYL
CHLORIDE CANCER-SUSPECT AGENT

(d) Containers of polyvinyl chloride shall be legibly labeled:

POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS VINYL
CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(e) Containers of vinyl chloride shall be legibly labeled either:

VINYL CHLORIDE EXTREMELY FLAMMABLE GAS
UNDER PRESSURE CANCER-SUSPECT AGENT

(or)

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

Applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring and medical records shall be provided upon request to employees, designated representatives, and the director in accordance with chapter 296-802 WAC. These records shall be provided upon request to the director. Authorized personnel rosters shall also be provided upon request to the director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his/her records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer. The employer shall also comply with any additional requirements set forth in chapter 296-802 WAC.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been

exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(14) Appendix A supplementary medical information.

When required tests under subsection (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07329, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07329, filed 4/27/04, effective 8/1/04. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050, 99-10-071, § 296-62-07329, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW, 94-15-096 (Order 94-07), § 296-62-07329, filed 7/20/94, effective 9/20/94; 91-03-044 (Order 90-18), § 296-62-07329, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040 and 49.17.050, 86-16-009 (Order 86-28), § 296-62-07329, filed 7/25/86; 82-13-045 (Order 82-22), § 296-62-07329, filed 6/11/82. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240, 81-18-029 (Order 81-21), § 296-62-07329, filed 8/27/81; 81-16-015 (Order 81-20), § 296-62-07329, filed 7/27/81; Order 75-41, § 296-62-07329, filed 12/19/75.]

WAC 296-62-07336 Acrylonitrile. (1) Scope and application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170°F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that

exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(b) "Action level" - a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Decontamination" means treatment of materials and surfaces by water washdown, ventilation, or other means, to assure that the materials will not expose employees to airborne concentrations of AN above 1 ppm as an eight-hour time-weighted average.

(e) "Director" - the director of labor and industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(g) "Liquid AN" means AN monomer in liquid form, and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, produced during the polymerization of AN.

(h) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of 10 ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies.

(a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee expo-

sure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee. The employer shall continue these quarterly measurements until at least two consecutive measurements taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement

that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas.

(a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance.

(a) Engineering and work practice controls.

(i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) The employer shall complete the steps set forth in the compliance program by the dates in the schedule.

(iv) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(v) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits;

(iv) In emergencies.

(b) Respirator program.

The employer must implement a respiratory protection program in accordance with chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use		Respirator Type
(a)	Less than or equal to 25 x permissible exposure limits.	(i) Any Type C supplied air respirator.
(b)	Less than or equal to 100 x permissible exposure limits.	(i) Any supplied air respirator with full facepiece; or
		(ii) Any self-contained breathing apparatus with full facepiece.
(c)	Less than or equal to 250 x permissible exposure limits	(i) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or

Condition of Use		Respirator Type
(d)	Greater than 250 x permissible exposure limits.	(i) Supplied air respirator with full facepiece and an auxiliary self-contained air supply, operated in pressure demand mode; or
		(ii) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e)	Emergency entry into unknown concentration or firefighting	(i) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f)	Escape.	(i) Any organic vapor gas mask; or
		(ii) Any self-contained breathing.

(9) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees.

(i) Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Employees not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-800-160 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that impermeable protective clothing which contacts or is likely to have contacted liquid AN shall be decontaminated before being removed by the employee.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that an employee whose nonimpermeable clothing becomes wetted with liquid AN shall immediately remove that clothing and proceed to shower. The clothing shall be decontaminated before it is removed from the regulated area.

(v) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(vi) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vii) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping.

(a) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(b) For operations involving liquid AN, the employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections.

(c) Where spills of liquid AN are detected, the employer shall assure that surfaces contacted by the liquid AN are decontaminated. Employees not engaged in decontamination activities shall leave the area of the spill, and shall not be permitted in the area until decontamination is completed.

(d) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(e) Surfaces.

(i) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where AN and PAN are found is prohibited.

(ii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iii) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of

AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-800-230 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-800-230.

(b) Showers.

(i) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(iii) The employer shall assure that, in the event of skin or eye exposure to liquid AN, the affected employee shall shower immediately to minimize the danger of skin absorption.

(c) Lunchrooms.

(i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance.

(a) General.

(i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those nonspecific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest X ray.

(iv) Further tests of the intestinal tract, including fecal occult blood screening, and proctosigmoidoscopy, for all

workers 40 years of age or older, and for any other affected employees for whom, in the opinion of the physician, such testing is appropriate.

(c) Periodic examinations.

(i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and test performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators and protective clothing;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping.

(a) Objective data for exempted operations.

(i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of AN;

(D) A description of the operation exempted and how the data supports the exemption; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of subsection (5)(f) of this section;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's medical and work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Records required by subdivisions (a) through (c) of this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with chapter 296-802 WAC. Records required by subdivision (a) of this section shall be provided in the same manner as exposure monitoring records.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in chapter 296-802 WAC.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligation not otherwise imposed, or to detract from any obligation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07336, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07336, filed 4/27/04, effective 8/1/04; 03-18-090, § 296-62-07336, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050, 01-11-038, § 296-62-07336, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07336, filed 5/4/99, effective 9/1/99.]

Statutory Authority: Chapter 49.17 RCW. 88-11-021 (Order 88-04), § 296-62-07336, filed 5/11/88.]

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

(1) Scope and application.

(a) This section applies to occupational exposure to 1,2-dibromo-3-chloropropane (DBCP).

(b) This section does not apply to:

(i) Exposure to DBCP which results solely from the application and use of DBCP as a pesticide; or

(ii) The storage, transportation, distribution or sale of DBCP in intact containers sealed in such a manner as to prevent exposure to DBCP vapors or liquids, except for the requirements of subsections (11), (16) and (17) of this section.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane, Chemical Abstracts Service Registry Number 96-12-8, and includes all forms of DBCP.

(c) "Director" - the director of labor and industries, or his authorized representative.

(d) "Emergency" - any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which may, or does, result in unexpected release of DBCP.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 5 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Regulated areas. The employer shall establish, within each place of employment, regulated areas wherever DBCP

concentrations are in excess of the permissible exposure limit.

(a) The employer shall limit access to regulated areas to authorized persons.

(b) All employees entering or working in a regulated area shall wear respiratory protection in accordance with Table I.

(6) Exposure monitoring.

(a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (6) shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(7) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to DBCP at or below the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless

use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposure to DBCP to or below the permissible exposure limit solely by means of engineering and work practice controls as required by this section.

(ii) The written program shall include a detailed schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(8) Respiratory protection.

(a) General. For employees who are required to use respirators under this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering and work-practice controls;

(ii) Maintenance and repair activities for which engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limit;

(iv) Emergencies.

(b) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I

RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than		Respirator Type
(a) 10 ppb:	(i)	Any supplied-air respirator.
	(ii)	Any self-contained breathing apparatus.
(b) 50 ppb:	(i)	Any supplied-air respirator with full facepiece, helmet or hood.
	(ii)	Any self-contained breathing apparatus with full facepiece.
(c) 250 ppb:	(i)	A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.

TABLE I

RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than		Respirator Type
(d) 500 ppb:	(i)	A Type C supplied-air respirator with full facepiece operated in pressure-demand mode with full facepiece.
(e) Greater than 500 ppb or entry into unknown concentrations:	(i)	A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand mode and an auxiliary self-contained breathing apparatus.
	(ii)	A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.
(f) Fire fighting:	(i)	A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.

(9) Reserved.

(10) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present.

(ii) Appropriate portions of the plan shall be implemented in the event of an emergency.

(b) Employees engaged in correcting conditions shall be equipped as required in subsection (11) of this section until the emergency is abated.

(c) Evacuation. Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(d) Alerting employees. Where there is a possibility of employee exposure to DBCP due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(e) Medical surveillance. For any employee exposed to DBCP in an emergency situation, the employer shall provide medical surveillance in accordance with subsection (14) of this section.

(f) Exposure monitoring.

(i) Following an emergency, the employer shall conduct monitoring which complies with subsection (6) of this section.

(ii) In workplaces not normally subject to periodic monitoring, the employer may terminate monitoring when two consecutive measurements indicate exposures below the permissible exposure limit.

(11) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accor-

dance with WAC 296-800-160 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) Removal and storage.

(A) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with subsection (13) of this section.

(B) The employer shall assure that employees promptly remove any protective clothing and equipment which becomes contaminated with DBCP-containing liquids and solids. This clothing shall not be reworn until the DBCP has been removed from the clothing or equipment.

(C) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(12) Housekeeping.

(a) Surfaces.

(i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with subsections (8), (9) and (11) of this section.

(b) Showers.

(i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall assure that employees whose skin becomes contaminated with DBCP-containing liquids or solids immediately wash or shower to remove any DBCP from the skin.

(iii) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(c) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(d) Lavatories.

(i) The employer shall assure that employees working in the regulated area remove protective clothing and wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with WAC 296-800-230.

(e) Prohibition of activities in regulated areas. The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied.

(14) Medical surveillance.

(a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. At the time of initial assignment, annually thereafter, and whenever exposure to DBCP occurs, the employer shall provide a medical examination for employees who work in regulated areas, which includes at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques

utilizing National Institutes of Health (NIH) specific antigen or one of equivalent sensitivity:

- (A) Serum multiphasic analysis (SMA 12);
- (B) Serum follicle stimulating hormone (FSH);
- (C) Serum luteinizing hormone (LH); and
- (D) Serum estrogen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(c) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The level of DBCP to which the employee is exposed; and
- (iv) A description of any personal protective equipment used or to be used.

(e) Physician's written opinion.

(i) For each examination under this section, the employer shall obtain and provide the employee with a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(f) Emergency situations. If the employee is exposed to DBCP in an emergency situation, the employer shall provide the employee with a sperm count test as soon as practicable, or, if the employee is unable to produce a semen specimen, the hormone tests contained in subsection (14)(b) of this section. The employer shall provide these same tests three months later.

(15) Employee information and training.

(a) Training program.

(i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) The purpose and description of the medical surveillance program required by subsection (14) of this section; and

(E) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (6) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, Social Security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (14) of this section.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the physician's written opinion;

(C) Any employee medical complaints related to exposure to DBCP;

(D) A copy of the information provided the physician as required by subsection (14)(c) of this section; and

(E) A copy of the employee's medical and work history.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records and employee medical records required by this subsection shall be provided upon request to employees' designated representatives and the assistant director in accordance with chapter 296-802 WAC.

(d) Transfer of records.

(i) If the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section for the prescribed period.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under this section, the employer shall transmit these records by mail to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in chapter 296-802 WAC.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an

opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (6) of this section.

(b) Observation procedures.

(i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07342, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07342, filed 4/27/04, effective 8/1/04; 03-18-090, § 296-62-07342, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050, 01-11-038, § 296-62-07342, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07342, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW, 96-09-030, § 296-62-07342, filed 4/10/96, effective 6/1/96; 88-11-021 (Order 88-04), § 296-62-07342, filed 5/11/88.]

WAC 296-62-07355 Ethylene oxide. Scope and application.

Note: The requirements in WAC 296-62-07355 through 296-62-07386 apply only to agriculture. The requirements for all other industries relating to ethylene oxide have been moved to chapter 296-855 WAC, Ethylene oxide.

(1) WAC 296-62-07355 through 296-62-07389 applies to all occupational exposures to ethylene oxide (EtO), Chemical Abstracts Service Registry No. 75-21-8, except as provided in subsection (2) of this section.

(2) WAC 296-62-07355 through 296-62-07389 does not apply to the processing, use, or handling of products containing EtO where objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level, and may not reasonably be foreseen to release EtO in excess of the excursion limit, under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(3) Where products containing EtO are exempted under subsection (2) of this section, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in WAC 296-62-07375(1).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-17-168, § 296-62-07355, filed 8/23/05, effective 1/1/06. Statutory Authority: Chapter 49.17 RCW, 91-24-017 (Order 91-07), § 296-62-07355, filed 11/22/91, effective 12/24/91; 88-23-054 (Order 88-25), § 296-62-07355, filed 11/14/88; 87-24-051 (Order 87-24), § 296-62-07355, filed 11/30/87.]

WAC 296-62-07367 Respiratory protection and personal protective equipment. (1) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of WAC 296-62-07355 through 296-62-07389. Respirators must be used during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls;

(b) Work operations, such as maintenance and repair activities, vessel cleaning, or other activities, for which engineering and work-practice controls are not feasible;

(c) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the TWA or excursion limit;

(d) Emergencies.

(2) Respirator program. The employer must establish, implement, and maintain a respiratory protection program as required in chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(3) Respirator selection. The employer must select the appropriate respirator from Table 1 of this section.

Table 1.—Minimum Requirements for Respiratory Protection for Airborne EtO

Condition of use or concentration of airborne EtO (ppm)	Minimum required respirator
Equal to or less than 50	(a) Full facepiece respirator with EtO approved canister, front- or back-mounted.
Equal to or less than 2,000	(a) Positive-pressure supplied air respirator, equipped with full facepiece, hood or helmet, or
	(b) Continuous-flow supplied air respirator (positive pressure) equipped with hood, helmet or suit.
Concentration above 2,000 or unknown concentration (such as in emergencies)	(a) Positive-pressure self-contained breathing apparatus (SCBA), equipped with full facepiece, or
	(b) Positive-pressure full facepiece supplied air respirator equipped with an auxiliary positive-pressure self-contained breathing apparatus.
Fire fighting	(a) Positive pressure self-contained breathing apparatus equipped with full facepiece.
Escape	(a) Any respirator described above.

Note: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations.

(4) Protective clothing and equipment. Where employees could have eye or skin contact with EtO or EtO solutions, the employer must select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with WAC 296-800-160, and to protect any area of the body that may come in contact with liquid EtO or EtO in solution, and must ensure that the employee wears the protective clothing and equipment provided.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-07367, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07367, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07367, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-20-057 (Order 94-16), § 296-62-07367, filed 9/30/94, effective 11/20/94; 88-23-054 (Order 88-25), § 296-62-07367, filed 11/14/88; 87-24-051 (Order 87-24), § 296-62-07367, filed 11/30/87.]

WAC 296-62-07413 Respirator protection. (1) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls when employee exposure levels exceed the PEL;

(b) Maintenance and repair activities, and brief or intermittent operations, where employee exposures exceed the PEL and engineering and work-practice controls are not feasible or are not required;

(c) Activities in regulated areas as specified in WAC 296-62-07409;

(d) Work operations for which the employer has implemented all feasible engineering and work-practice controls and such controls are not sufficient to reduce employee exposures to or below the PEL;

(e) Work operations for which an employee who is exposed to cadmium at or above the action level, and the employee requests a respirator;

(f) Work operations for which an employee is exposed above the PEL and engineering controls are not required by WAC 296-62-07411 (1)(b); and

(g) Emergencies.

(2) Respirator program.

(a) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(b) No employees must use a respirator if, based on their recent medical examination, the examining physician determines that they will be unable to continue to function normally while using a respirator. If the physician determines that the employee must be limited in, or removed from, their current job because of their inability to use a respirator, the limitation or removal must be in accordance with WAC 296-62-07423 (11) and (12).

(c) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by WAC 296-62-07423 (6)(b) to determine if the employee can use a respirator while performing the required duties.

(3) Respirator selection.

(a) The employer must select the appropriate respirator from Table 2 of this section.

Table 2.—Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half mask, air-purifying respirator equipped with a HEPA ^c filter ^d .

Table 2.—Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
25 x or less	A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half mask operated in the continuous flow mode.
250 x or less	A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.
1000 x or less	A supplied-air respirator with half mask or full facepiece operated in the pressure demand or other positive pressure mode.
>1000 x or unknown concentrations	A self-contained breathing apparatus with a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.
Fire fighting	A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

^a Concentrations expressed as multiple of the PEL.

^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$). A full facepiece respirator is required when eye irritation is experienced.

^c HEPA means High Efficiency Particulate Air.

^d Fit testing, qualitative or quantitative, is required.

SOURCE: Respiratory Decision Logic, NIOSH, 1987

(b) The employer must provide an employee with a powered, air-purifying respirator (PAPR) instead of a negative-pressure respirator when an employee who is entitled to a respirator chooses to use this type of respirator and such a respirator provides adequate protection to the employee.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-07413, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-62-07413, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 93-21-075 (Order 93-06), § 296-62-07413, filed 10/20/93, effective 12/1/93; 93-07-044 (Order 93-01), § 296-62-07413, filed 3/13/93, effective 4/27/93.]

WAC 296-62-07460 Butadiene. (1) Scope and application.

(a) This section applies to all occupational exposures to 1,3-Butadiene (BD), Chemical Abstracts Service Registry No. 106-99-0, except as provided in (b) of this subsection.

(b)(i) Except for the recordkeeping provisions in subsection (13)(a) of this section, this section does not apply to the processing, use, or handling of products containing BD or to other work operations and streams in which BD is present where objective data are reasonably relied upon that demonstrate the work operation or the product or the group of products or operations to which it belongs may not reasonably be foreseen to release BD in airborne concentrations at or above the action level or in excess of the STEL under the expected conditions of processing, use, or handling that will cause the greatest possible release or in any plausible accident.

(ii) This section also does not apply to work operations, products or streams where the only exposure to BD is from liquid mixtures containing 0.1% or less of BD by volume or the vapors released from such liquids, unless objective data become available that show that airborne concentrations generated by such mixtures can exceed the action level or STEL under reasonably predictable conditions of processing, use or handling that will cause the greatest possible release.

(iii) Except for labeling requirements and requirements for emergency response, this section does not apply to the storage, transportation, distribution or sale of BD or liquid mixtures in intact containers or in transportation pipelines sealed in such a manner as to fully contain BD vapors or liquids.

(c) Where products or processes containing BD are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (13)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

"Action level" means a concentration of airborne BD of 0.5 ppm calculated as an 8-hour time-weighted average.

"Director" means the director of the department of labor and industries, or authorized representatives.

"Authorized person" means any person specifically designated by the employer, whose duties require entrance into a regulated area, or a person entering such an area as a designated representative of employees to exercise the right to observe monitoring and measuring procedures under subsection (4)(h) of this section, or a person designated under the

WISH Act or regulations issued under the WISH Act to enter a regulated area.

"1,3-Butadiene" means an organic compound with chemical formula $\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$ that has a molecular weight of approximately 54.15 gm/mole.

"Business day" means any Monday through Friday, except those days designated as federal, state, local or company specific holidays.

"Complete blood count (CBC)" means laboratory tests performed on whole blood specimens and includes the following: White blood cell count (WBC), hematocrit (Hct), red blood cell count (RBC), hemoglobin (Hgb), differential count of white blood cells, red blood cell morphology, red blood cell indices, and platelet count.

"Day" means any part of a calendar day.

"Emergency situation" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of BD.

"Employee exposure" means exposure of a worker to airborne concentrations of BD which would occur if the employee were not using respiratory protective equipment.

"Objective data" means monitoring data, or mathematical modelling or calculations based on composition, chemical and physical properties of a material, stream or product.

"Permissible exposure limits (PELs)" means either the 8-hour time-weighted average (8-hour TWA) exposure or the short-term exposure limit (STEL).

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide one or more of the specific health care services required by (k) of this subsection.

"Regulated area" means any area where airborne concentrations of BD exceed or can reasonably be expected to exceed the 8-hour time-weighted average (8-hour TWA) exposure of 1 ppm or the short-term exposure limit (STEL) of 5 ppm for 15 minutes.

"This section" means this 1,3-butadiene standard.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average (TWA) limit. The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of one part BD per million parts of air (ppm) measured as an eight (8)-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of five parts of BD per million parts of air (5 ppm) as determined over a sampling period of fifteen minutes.

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the 8-hour TWA and 15-minute short-term exposures of each employee.

(ii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift and for each job classification in each work area.

(iii) Representative 15-minute short-term employee exposures shall be determined on the basis of one or more samples representing 15-minute exposures associated with operations that are most likely to produce exposures above the STEL for each shift and for each job classification in each work area.

(iv) Except for the initial monitoring required under (b) of this subsection, where the employer can document that exposure levels are equivalent for similar operations on different work shifts, the employer need only determine representative employee exposure for that operation from the shift during which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this section, shall perform initial monitoring to determine accurately the airborne concentrations of BD to which employees may be exposed, or shall rely on objective data pursuant to subsection (1)(b)(i) of this section to fulfill this requirement.

(ii) Where the employer has monitored within two years prior to the effective date of this section and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection, provided that the conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional exposures.

(c) Periodic monitoring and its frequency.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be at or above the action level but at or below both the 8-hour TWA limit and the STEL, the employer shall repeat the representative monitoring required by (a) of this subsection every twelve months.

(ii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the 8-hour TWA limit, the employer shall repeat the representative monitoring required by (a)(ii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the STEL, the employer shall repeat the representative monitoring required by (a)(iii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iv) The employer may alter the monitoring schedule from every six months to annually for any required representative monitoring for which two consecutive measurements taken at least 7 days apart indicate that employee exposure has decreased to or below the 8-hour TWA, but is at or above the action level.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be below the action level and at or below the STEL, the employer may discontinue the monitoring for employees whose exposures are represented by the initial monitoring.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level and at or below the STEL, the employer may discontinue the monitoring for those employees who are represented by such monitoring.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under subsection (4) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to BD or when the employer has any reason to suspect that a change may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure above the 8-hour TWA limit or above the STEL, the employer shall monitor (using leak source, such as direct reading instruments, area or personal monitoring), after the cleanup of the spill or repair of the leak, rupture or other breakdown, to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring.

Monitoring shall be accurate, at a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of BD at or above the 1 ppm TWA limit and to within plus or minus 35 percent for airborne concentrations of BD at or above the action level of 0.5 ppm and below the 1 ppm TWA limit.

(g) Employee notification of monitoring results.

(i) The employer shall, within 5 business days after the receipt of the results of any monitoring performed under this section, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The employer shall, within 15 business days after receipt of any monitoring performed under this section indicating the 8-hour TWA or STEL has been exceeded, provide the affected employees, in writing, with information on the corrective action being taken by the employer to reduce employee exposure to or below the 8-hour TWA or STEL and the schedule for completion of this action.

(h) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to BD conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to BD requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer at no cost with protective clothing and equipment, and shall ensure that the observer uses this equipment and complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of BD exceed or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour TWA or the STEL.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of employees exposed to BD within the regulated area.

(d) An employer at a multiemployer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PELs, except to the extent that the employer can establish that these controls are not feasible or where subsection (8)(a)(i) of this section applies.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-hour TWA or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (8) of this section.

(b) Compliance plan.

(i) Where any exposures are over the PELs, the employer shall establish and implement a written plan to reduce employee exposure to or below the PELs primarily by means of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section. No compliance plan is required if all exposures are under the PELs.

(ii) The written compliance plan shall include a schedule for the development and implementation of the engineering controls and work practice controls including periodic leak detection surveys.

(iii) Copies of the compliance plan required in (b) of this subsection shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(7) Exposure goal program.

(a) For those operations and job classifications where employee exposures are greater than the action level, in addition to compliance with the PELs, the employer shall have an exposure goal program that is intended to limit employee exposures to below the action level during normal operations.

(b) Written plans for the exposure goal program shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives.

(c) Such plans shall be updated as necessary to reflect significant changes in the status of the exposure goal program.

(d) Respirator use is not required in the exposure goal program.

(e) The exposure goal program shall include the following items unless the employer can demonstrate that the item is not feasible, will have no significant effect in reducing employee exposures, or is not necessary to achieve exposures below the action level:

- (i) A leak prevention, detection, and repair program.
- (ii) A program for maintaining the effectiveness of local exhaust ventilation systems.
- (iii) The use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps.
- (iv) Gauging devices designed to limit employee exposure, such as magnetic gauges on rail cars.
- (v) Unloading devices designed to limit employee exposure, such as a vapor return system.
- (vi) A program to maintain BD concentration below the action level in control rooms by use of engineering controls.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

- (i) Periods necessary to install or implement feasible engineering and work-practice controls;
- (ii) Nonroutine work operations that are performed infrequently and for which exposures are limited in duration;
- (iii) Work operations for which feasible engineering controls and work-practice controls are not yet sufficient to reduce employee exposures to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) If air-purifying respirators are used, the employer must replace the air-purifying filter elements according to the replacement schedule set for the class of respirators listed in Table 1 of this section, and at the beginning of each work shift.

(iii) Instead of using the replacement schedule listed in Table 1 of this section, the employer may replace cartridges or canisters at 90% of their expiration service life, provided the employer:

(A) Demonstrates that employees will be adequately protected by this procedure;

(B) Uses BD breakthrough data for this purpose that have been derived from tests conducted under worst-case conditions of humidity, temperature, and air-flow rate through the filter element, and the employer also describes the data supporting the cartridge- or canister-change schedule, as well as the basis for using the data in the employer's respirator program.

(iv) A label must be attached to each filter element to indicate the date and time it is first installed on the respirator.

(v) If NIOSH approves an end-of-service-life indicator (ESLI) for an air-purifying filter element, the element may be used until the ESLI shows no further useful service life or until the element is replaced at the beginning of the next work shift, whichever occurs first.

(vi) Regardless of the air-purifying element used, if an employee detects the odor of BD, the employer must replace the air-purifying element immediately.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm (5 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm (10 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm (25 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours. (b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours. (c) Continuous flow supplied air respirator equipped with a hood or helmet.
Less than or equal to 50 ppm (50 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 1 hour. (b) Powered air purifying respirator equipped with a tight-fitting facepiece and an approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 1 hour.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 1,000 ppm (1,000 times PEL)	(a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.
Greater than 1,000 ppm	(a) Self-contained breathing unknown concentration, or apparatus equipped with a fire fighting full facepiece and operated in a pressure demand or other positive pressure mode. (b) Any supplied air respirator equipped with a full facepiece and operated in a pressure demand or other positive pressure mode in combination with an auxiliary self-contained breathing apparatus operated in a pressure demand or other positive pressure mode.
Escape from IDLH Conditions	(a) Any positive pressure self-contained breathing apparatus with an appropriate service life. (b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.

Notes: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations. Full facepiece is required when eye irritation is anticipated.

(ii) Air-purifying respirators must have filter elements certified by NIOSH for organic vapor or BD.

(iii) When an employee whose job requires the use of a respirator cannot use a negative-pressure respirator, the employer must provide the employee with a respirator that has less breathing resistance than the negative-pressure respirator, such as a powered air-purifying respirator or supplied-air respirator, when the employee is able to use it and if it provides the employee adequate protection.

(9) Protective clothing and equipment. Where appropriate to prevent eye contact and limit dermal exposure to BD, the employer shall provide protective clothing and equipment at no cost to the employee and shall ensure its use. Eye and face protection shall meet the requirements of WAC 296-800-160.

(10) Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in WAC 296-24-567, Employee emergency plans and fire prevention plans, and in WAC 296-62-3112, hazard-

ous waste operations and emergency responses, for each workplace where there is a possibility of an emergency.

(11) Medical screening and surveillance.

(a) Employees covered. The employer shall institute a medical screening and surveillance program as specified in this subsection for:

(i) Each employee with exposure to BD at concentrations at or above the action level on 30 or more days or for employees who have or may have exposure to BD at or above the PELs on 10 or more days a year;

(ii) Employers (including successor owners) shall continue to provide medical screening and surveillance for employees, even after transfer to a non-BD exposed job and regardless of when the employee is transferred, whose work histories suggest exposure to BD:

(A) At or above the PELs on 30 or more days a year for 10 or more years;

(B) At or above the action level on 60 or more days a year for 10 or more years; or

(C) Above 10 ppm on 30 or more days in any past year; and

(iii) Each employee exposed to BD following an emergency situation.

(b) Program administration.

(i) The employer shall ensure that the health questionnaire, physical examination and medical procedures are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(ii) Physical examinations, health questionnaires, and medical procedures shall be performed or administered by a physician or other licensed health care professional.

(iii) Laboratory tests shall be conducted by an accredited laboratory.

(c) Frequency of medical screening activities. The employer shall make medical screening available on the following schedule:

(i) For each employee covered under (a)(i) and (ii) of this subsection, a health questionnaire and complete blood count (CBC) with differential and platelet count every year, and a physical examination as specified below:

(A) An initial physical examination that meets the requirements of this rule, if twelve months or more have elapsed since the last physical examination conducted as part of a medical screening program for BD exposure;

(B) Before assumption of duties by the employee in a job with BD exposure;

(C) Every 3 years after the initial physical examination;

(D) At the discretion of the physician or other licensed health care professional reviewing the annual health questionnaire and CBC;

(E) At the time of employee reassignment to an area where exposure to BD is below the action level, if the employee's past exposure history does not meet the criteria of (a)(ii) of this subsection for continued coverage in the screening and surveillance program, and if twelve months or more have elapsed since the last physical examination; and

(F) At termination of employment if twelve months or more have elapsed since the last physical examination.

(ii) Following an emergency situation, medical screening shall be conducted as quickly as possible, but not later than 48 hours after the exposure.

(iii) For each employee who must wear a respirator, physical ability to perform the work and use the respirator must be determined as required by chapter 296-842 WAC.

(d) Content of medical screening.

(i) Medical screening for employees covered by (a)(i) and (ii) of this subsection shall include:

(A) A baseline health questionnaire that includes a comprehensive occupational and health history and is updated annually. Particular emphasis shall be placed on the hematopoietic and reticuloendothelial systems, including exposure to chemicals, in addition to BD, that may have an adverse effect on these systems, the presence of signs and symptoms that might be related to disorders of these systems, and any other information determined by the examining physician or other licensed health care professional to be necessary to evaluate whether the employee is at increased risk of material impairment of health from BD exposure. Health questionnaires shall consist of the sample forms in Appendix C to this section, or be equivalent to those samples;

(B) A complete physical examination, with special emphasis on the liver, spleen, lymph nodes, and skin;

(C) A CBC; and

(D) Any other test which the examining physician or other licensed health care professional deems necessary to evaluate whether the employee may be at increased risk from exposure to BD.

(ii) Medical screening for employees exposed to BD in an emergency situation shall focus on the acute effects of BD exposure and at a minimum include: A CBC within 48 hours of the exposure and then monthly for three months; and a physical examination if the employee reports irritation of the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache. Continued employee participation in the medical screening and surveillance program, beyond these minimum requirements, shall be at the discretion of the physician or other licensed health care professional.

(e) Additional medical evaluations and referrals.

(i) Where the results of medical screening indicate abnormalities of the hematopoietic or reticuloendothelial systems, for which a nonoccupational cause is not readily apparent, the examining physician or other licensed health care professional shall refer the employee to an appropriate specialist for further evaluation and shall make available to the specialist the results of the medical screening.

(ii) The specialist to whom the employee is referred under this subsection shall determine the appropriate content for the medical evaluation, e.g., examinations, diagnostic tests and procedures, etc.

(f) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to the examining physician or other licensed health care professional involved in the evaluation:

(i) A copy of this section including its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's BD exposure;

(iii) The employee's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation;

(iv) A description of pertinent personal protective equipment used or to be used; and

(v) Information, when available, from previous employment-related medical evaluations of the affected employee which is not otherwise available to the physician or other licensed health care professional or the specialist.

(g) The written medical opinion.

(i) For each medical evaluation required by this section, the employer shall ensure that the physician or other licensed health care professional produces a written opinion and provides a copy to the employer and the employee within 15 business days of the evaluation. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical evaluation;

(B) A medical opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to BD;

(C) Any recommended limitations upon the employee's exposure to BD; and

(D) A statement that the employee has been informed of the results of the medical evaluation and any medical conditions resulting from BD exposure that require further explanation or treatment.

(ii) The written medical opinion provided to the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work with BD.

Note: This provision does not negate the ethical obligation of the physician or other licensed health care professional to transmit any other adverse findings directly to the employee.

(h) Medical surveillance.

(i) The employer shall ensure that information obtained from the medical screening program activities is aggregated (with all personal identifiers removed) and periodically reviewed, to ascertain whether the health of the employee population of that employer is adversely affected by exposure to BD.

(ii) Information learned from medical surveillance activities must be disseminated to covered employees, as defined in (a) of this subsection, in a manner that ensures the confidentiality of individual medical information.

(12) Communication of BD hazards to employees.

(a) Hazard communication. The employer shall communicate the hazards associated with BD exposure in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(b) Employee information and training.

(i) The employer shall provide all employees exposed to BD with information and training in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(ii) The employer shall institute a training program for all employees who are potentially exposed to BD at or above the action level or the STEL, ensure employee participation in the program and maintain a record of the contents of such program.

(iii) Training shall be provided prior to or at the time of initial assignment to a job potentially involving exposure to

BD at or above the action level or STEL and at least annually thereafter.

(iv) The training program shall be conducted in a manner that the employee is able to understand. The employer shall ensure that each employee exposed to BD over the action level or STEL is informed of the following:

(A) The health hazards associated with BD exposure, and the purpose and a description of the medical screening and surveillance program required by this section;

(B) The quantity, location, manner of use, release, and storage of BD and the specific operations that could result in exposure to BD, especially exposures above the PEL or STEL;

(C) The engineering controls and work practices associated with the employee's job assignment, and emergency procedures and personal protective equipment;

(D) The measures employees can take to protect themselves from exposure to BD;

(E) The contents of this standard and its appendices; and

(F) The right of each employee exposed to BD at or above the action level or STEL to obtain:

(I) Medical examinations as required by subsection (10) of this section at no cost to the employee;

(II) The employee's medical records required to be maintained by subsection (13)(c) of this section; and

(III) All air monitoring results representing the employee's exposure to BD and required to be kept by subsection (13)(b) of this section.

(c) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees and their designated representatives and shall provide a copy if requested.

(ii) The employer shall provide to the director, or the designated employee representatives, upon request, all materials relating to the employee information and the training program.

(13) Recordkeeping.

(a) Objective data for exemption from initial monitoring.

(i) Where the processing, use, or handling of products or streams made from or containing BD are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this section, the employer shall establish and maintain a record of the objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product or activity qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and analysis of the material for the release of BD;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to BD as prescribed in subsection (4) of this section.

(ii) The record shall include at least the following information:

(A) The date of measurement;

(B) The operation involving exposure to BD which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any;

(F) Name, Social Security number and exposure of the employees whose exposures are represented; and

(G) The written corrective action and the schedule for completion of this action required by subsection (4)(g)(ii) of this section.

(iii) The employer shall maintain this record for at least 30 years in accordance with chapter 296-802 WAC.

(c) Medical screening and surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical screening and surveillance under this section.

(ii) The record shall include at least the following information:

(A) The name and Social Security number of the employee;

(B) Physician's or other licensed health care professional's written opinions as described in subsection (11)(e) of this section;

(C) A copy of the information provided to the physician or other licensed health care professional as required by subsection (11)(e) of this section.

(iii) Medical screening and surveillance records shall be maintained for each employee for the duration of employment plus 30 years, in accordance with chapter 296-802 WAC.

(d) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available for examination and copying to the director.

(ii) Access to records required to be maintained by (a) and (b) of this subsection shall be granted in accordance with chapter 296-802 WAC.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the employer shall transfer records required by this section to the successor employer. The successor employer shall receive and maintain these records. If there is no successor employer, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if requested by the director within that period.

(ii) The employer shall transfer medical and exposure records as set forth in chapter 296-802 WAC.

(14) Dates.

(a) Effective date. This section shall become effective (day, month), 1997.

(b) Start-up dates.

(i) The initial monitoring required under subsection (4)(b) of this section shall be completed immediately or

within sixty days of the introduction of BD into the workplace.

(ii) The requirements of subsections (3) through (13) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with immediately.

(iii) Engineering controls specified by subsection (6)(a) of this section shall be implemented by February 4, 1999, and the exposure goal program specified in subsection (7) of this section shall be implemented by February 4, 2000.

(15) Appendices.

Appendices A, B, C, D, and F to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A. Substance Safety Data Sheet For 1,3-Butadiene (Non-Mandatory)

(1) Substance Identification.

(a) Substance: 1,3-Butadiene ($\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$).

(b) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bi-vinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50602; CAS-106-99-0.

(c) BD can be found as a gas or liquid.

(d) BD is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobile and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

(e) Appearance and odor: BD is a colorless, noncorrosive, flammable gas with a mild aromatic odor at standard ambient temperature and pressure.

(f) Permissible exposure: Exposure may not exceed 1 part BD per million parts of air averaged over the 8-hour workday, nor may short-term exposure exceed 5 parts of BD per million parts of air averaged over any 15-minute period in the 8-hour workday.

(2) Health Hazard Data.

(a) BD can affect the body if the gas is inhaled or if the liquid form, which is very cold (cryogenic), comes in contact with the eyes or skin.

(b) Effects of overexposure: Breathing very high levels of BD for a short time can cause central nervous system effects, blurred vision, nausea, fatigue, headache, decreased blood pressure and pulse rate, and unconsciousness. There are no recorded cases of accidental exposures at high levels that have caused death in humans, but this could occur. Breathing lower levels of BD may cause irritation of the eyes, nose, and throat. Skin contact with liquefied BD can cause irritation and frostbite.

(c) Long-term (chronic) exposure: BD has been found to be a potent carcinogen in rodents, inducing neoplastic lesions at multiple target sites in mice and rats. A recent study of BD-exposed workers showed that exposed workers have an increased risk of developing leukemia. The risk of leukemia increases with increased exposure to BD. OSHA has concluded that there is strong evidence that workplace exposure to BD poses an increased risk of death from cancers of the lymphohematopoietic system.

(d) Reporting signs and symptoms: You should inform your supervisor if you develop any of these signs or symptoms and suspect that they are caused by exposure to BD.

(3) Emergency First-Aid Procedures.

In the event of an emergency, follow the emergency plan and procedures designated for your work area. If you have been trained in first-aid procedures, provide the necessary first aid measures. If necessary, call for additional assistance from co-workers and emergency medical personnel.

(a) Eye and Skin Exposures: If there is a potential that liquefied BD can come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquefied BD comes in contact with the eye, immediately flush the eyes with large amounts of water, occasionally lifting the lower and the upper lids. Flush repeatedly. Get medical attention immediately. Contact lenses should not be worn when working with this chemical. In the event of skin contact, which can cause frostbite, remove any contaminated clothing and flush the affected area repeatedly with large amounts of tepid water.

(b) Breathing: If a person breathes in large amounts of BD, move the exposed person to fresh air at once. If breathing has stopped, begin cardiopulmonary resuscitation (CPR) if you have been trained in this procedure. Keep the affected person warm and at rest. Get medical attention immediately.

(c) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, call for help and begin emergency rescue procedures. Use extreme caution so that you do not become a casualty. Understand the plant's emergency rescue procedures and know the locations of rescue equipment before the need arises.

(4) Respirators and Protective Clothing.

(a) Respirators: Good industrial hygiene practices recommend that engineering and work practice controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not technically feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented or during brief, nonroutine, intermittent exposure. Respirators may also be used in situations involving nonroutine work operations which are performed infrequently and in which exposures are limited in duration, and in emergency situations. In some instances cartridge respirator use is allowed, but only with strict time constraints. For example, at exposure below 5 ppm BD, a cartridge (or canister) respirator, either full or half face, may be used, but the cartridge must be replaced at least every 4 hours, and it must be replaced every 3 hours when the exposure is between 5 and 10 ppm.

If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). In addition to respirator selection, a complete respiratory protection program must be instituted which includes regular training, maintenance, fit testing, inspection, cleaning, and evaluation of respirators. If you can smell BD while wearing a respirator, proceed immediately to fresh air, and change cartridge (or canister) before re-entering an area where there

is BD exposure. If you experience difficulty in breathing while wearing a respirator, tell your supervisor.

(b) **Protective Clothing:** Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen by contact with liquefied BD (or a vessel containing liquid BD).

Employees should be provided with and required to use splash-proof safety goggles where liquefied BD may contact the eyes.

(5) **Precautions for Safe Use, Handling, and Storage.**

(a) **Fire and Explosion Hazards:** BD is a flammable gas and can easily form explosive mixtures in air. It has a lower explosive limit of 2%, and an upper explosive limit of 11.5%. It has an autoignition temperature of 420 deg. C (788 deg. F). Its vapor is heavier than air (vapor density, 1.9) and may travel a considerable distance to a source of ignition and flash back. Usually it contains inhibitors to prevent self-polymerization (which is accompanied by evolution of heat) and to prevent formation of explosive peroxides. At elevated temperatures, such as in fire conditions, polymerization may take place. If the polymerization takes place in a container, there is a possibility of violent rupture of the container.

(b) **Hazard:** Slightly toxic. Slight respiratory irritant. Direct contact of liquefied BD on skin may cause freeze burns and frostbite.

(c) **Storage:** Protect against physical damage to BD containers. Outside or detached storage of BD containers is preferred. Inside storage should be in a cool, dry, well-ventilated, noncombustible location, away from all possible sources of ignition. Store cylinders vertically and do not stack. Do not store with oxidizing material.

(d) **Usual Shipping Containers:** Liquefied BD is contained in steel pressure apparatus.

(e) **Electrical Equipment:** Electrical installations in Class I hazardous locations, as defined in Article 500 of the National Electrical Code, should be in accordance with Article 501 of the Code. If explosion-proof electrical equipment is necessary, it shall be suitable for use in Group B. Group D equipment may be used if such equipment is isolated in accordance with Section 501-5(a) by sealing all conduit 1/2-inch size or larger. See Venting of Deflagrations (NFPA No. 68, 1994), National Electrical Code (NFPA No. 70, 1996), Static Electricity (NFPA No. 77, 1993), Lightning Protection Systems (NFPA No. 780, 1995), and Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids (NFPA No. 325, 1994).

(f) **Fire Fighting:** Stop flow of gas. Use water to keep fire-exposed containers cool. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(g) **Spill and Leak:** Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until clean-up has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate area of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(h) **Disposal:** This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulation of any additional requirements as these may be more restrictive than federal laws and regulation.

(i) You should not keep food, beverages, or smoking materials in areas where there is BD exposure, nor should you eat or drink in such areas.

(j) Ask your supervisor where BD is used in your work area and ask for any additional plant safety and health rules.

(6) **Medical Requirements.**

Your employer is required to offer you the opportunity to participate in a medical screening and surveillance program if you are exposed to BD at concentrations exceeding the action level (0.5 ppm BD as an 8-hour TWA) on 30 days or more a year, or at or above the 8-hr TWA (1 ppm) or STEL (5 ppm for 15 minutes) on 10 days or more a year. Exposure for any part of a day counts. If you have had exposure to BD in the past, but have been transferred to another job, you may still be eligible to participate in the medical screening and surveillance program.

The WISHA rule specifies the past exposures that would qualify you for participation in the program. These past exposure are work histories that suggest the following:

(a) That you have been exposed at or above the PELs on 30 days a year for 10 or more years;

(b) That you have been exposed at or above the action level on 60 days a year for 10 or more years; or

(c) That you have been exposed above 10 ppm on 30 days in any past year.

Additionally, if you are exposed to BD in an emergency situation, you are eligible for a medical examination within 48 hours. The basic medical screening program includes a health questionnaire, physical examination, and blood test. These medical evaluations must be offered to you at a reasonable time and place, and without cost or loss of pay.

(7) **Observation of Monitoring.**

Your employer is required to perform measurements that are representative of your exposure to BD and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, the protective clothing and equipment.

(8) **Access to Information.**

(a) Each year, your employer is required to inform you of the information contained in this appendix. In addition, your employer must instruct you in the proper work practices for

using BD, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to BD. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits and of the schedule to implement these actions.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

Appendix B. Substance Technical Guidelines for 1,3-Butadiene (Non-Mandatory)

(1) Physical and Chemical Data.

(a) Substance identification:

(i) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bivinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) Formula: $(CH_2) = CH - CH = CH(2)$.

(iii) Molecular weight: 54.1.

(b) Physical data:

(i) Boiling point (760 mm Hg): -4.7 deg. C (23.5 deg. F).

(ii) Specific gravity (water = 1): 0.62 at 20 deg. C (68 deg. F).

(iii) Vapor density (air = 1 at boiling point of BD): 1.87.

(iv) Vapor pressure at 20 deg. C (68 deg. F): 910 mm Hg.

(v) Solubility in water, g/100 g water at 20 deg. C (68 deg. F): 0.05.

(vi) Appearance and odor: Colorless, flammable gas with a mildly aromatic odor. Liquefied BD is a colorless liquid with a mildly aromatic odor.

(2) Fire, Explosion, and Reactivity Hazard Data.

(a) Fire:

(i) Flash point: -76 deg. C (-105 deg. F) for take out; liquefied BD; Not applicable to BD gas.

(ii) Stability: A stabilizer is added to the monomer to inhibit formation of polymer during storage. Forms explosive peroxides in air in absence of inhibitor.

(iii) Flammable limits in air, percent by volume: Lower: 2.0; Upper: 11.5.

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires.

(v) Special fire fighting procedures: Fight fire from protected location or maximum possible distance. Stop flow of gas before extinguishing fire. Use water spray to keep fire-exposed cylinders cool.

(vi) Unusual fire and explosion hazards: BD vapors are heavier than air and may travel to a source of ignition and flash back. Closed containers may rupture violently when heated.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, BD is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the

lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, BD is classified as a Class B fire hazard.

(ix) For purposes of compliance with WAC 296-24-956 and 296-800-280, locations classified as hazardous due to the presence of BD shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: Heat. Peroxides are formed when inhibitor concentration is not maintained at proper level. At elevated temperatures, such as in fire conditions, polymerization may take place.

(ii) Incompatibilities: Contact with strong oxidizing agents may cause fires and explosions. The contacting of crude BD (not BD monomer) with copper and copper alloys may cause formations of explosive copper compounds.

(iii) Hazardous decomposition products: Toxic gases (such as carbon monoxide) may be released in a fire involving BD.

(iv) Special precautions: BD will attack some forms of plastics, rubber, and coatings. BD in storage should be checked for proper inhibitor content, for self-polymerization, and for formation of peroxides when in contact with air and iron. Piping carrying BD may become plugged by formation of rubbery polymer.

(c) Warning Properties:

(i) Odor Threshold: An odor threshold of 0.45 ppm has been reported in The American Industrial Hygiene Association (AIHA) Report, Odor Thresholds for Chemicals with Established Occupational Health Standards. (Ex. 32-28C).

(ii) Eye Irritation Level: Workers exposed to vapors of BD (concentration or purity unspecified) have complained of irritation of eyes, nasal passages, throat, and lungs. Dogs and rabbits exposed experimentally to as much as 6700 ppm for 7 1/2 hours a day for 8 months have developed no histologically demonstrable abnormality of the eyes.

(iii) Evaluation of Warning Properties: Since the mean odor threshold is about half of the 1 ppm PEL, and more than 10-fold below the 5 ppm STEL, most wearers of air purifying respirators should still be able to detect breakthrough before a significant overexposure to BD occurs.

(3) Spill, Leak, and Disposal Procedures.

(a) Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate areas of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(b) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed by the EPA as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted

facilities. Check state and local regulations for any additional requirements because these may be more restrictive than federal laws and regulations.

(4) Monitoring and Measurement Procedures.

(a) Exposure above the Permissible Exposure Limit (8-hr TWA) or Short-Term Exposure Limit (STEL):

(i) 8-hr TWA exposure evaluation: Measurements taken for the purpose of determining employee exposure under this standard are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) STEL exposure evaluation: Measurements must represent 15 minute exposures associated with operations most likely to exceed the STEL in each job and on each shift.

(iii) Monitoring frequencies: Table 1 gives various exposure scenarios and their required monitoring frequencies, as required by the final standard for occupational exposure to butadiene.

Table 1. — Five Exposure Scenarios and Their Associated Monitoring Frequencies

Action Level	8-hr TWA	STEL	Required Monitoring Activity
—*	—	—	No 8-hour TWA or STEL monitoring required.
+*	—	—	No STEL monitoring required. Monitor 8-hr TWA annually.
+	—	—	No STEL monitoring required. Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii).**
+	+	+	Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii)**. Periodic monitoring STEL in accordance with (4)(c)(iii).
+	—	+	Periodic monitoring STEL, in accordance with (4)(c)(iii). Monitor 8-hour TWA annually.

Footnote (*) Exposure Scenario, Limit Exceeded: + = Yes, - = No.

Footnote (**) The employer may decrease the frequency of exposure monitoring to annually when at least 2 consecutive measurements taken at least 7 days apart show exposures to be below the 8-hour TWA, but at or above the action level.

(iv) Monitoring techniques: Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with BD. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of BD at or above 1 ppm, and to plus or minus 35 percent for concentrations below 1 ppm.

(5) Personal Protective Equipment.

(a) Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch min-

imum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen from contact with liquid BD.

(b) Any clothing which becomes wet with liquid BD should be removed immediately and not reworn until the butadiene has evaporated.

(c) Employees should be provided with and required to use splash proof safety goggles where liquid BD may contact the eyes.

(6) Housekeeping and Hygiene Facilities.

For purposes of complying with WAC 296-800-220 and 296-800-230, the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition.

(b) Adequate washing facilities with hot and cold water are to be provided and maintained in a sanitary condition.

(7) Additional Precautions.

(a) Store BD in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded.

(c) Do not incinerate BD cartridges, tanks or other containers.

(d) Employers must advise employees of all areas and operations where exposure to BD might occur.

Appendix C. Medical Screening and Surveillance for 1,3-Butadiene (Nonmandatory)

(1) Basis for Medical Screening and Surveillance Requirements.

(a) Route of Entry Inhalation.

(b) Toxicology.

Inhalation of BD has been linked to an increased risk of cancer, damage to the reproductive organs, and fetotoxicity. Butadiene can be converted via oxidation to epoxybutene and diepoxybutane, two genotoxic metabolites that may play a role in the expression of BD's toxic effects. BD has been tested for carcinogenicity in mice and rats. Both species responded to BD exposure by developing cancer at multiple primary organ sites. Early deaths in mice were caused by malignant lymphomas, primarily lymphocytic type, originating in the thymus.

Mice exposed to BD have developed ovarian or testicular atrophy. Sperm head morphology tests also revealed abnormal sperm in mice exposed to BD; lethal mutations were found in a dominant lethal test. In light of these results in animals, the possibility that BD may adversely affect the reproductive systems of male and female workers must be considered.

Additionally, anemia has been observed in animals exposed to butadiene. In some cases, this anemia appeared to be a primary response to exposure; in other cases, it may have been secondary to a neoplastic response.

(c) Epidemiology.

Epidemiologic evidence demonstrates that BD exposure poses an increased risk of leukemia. Mild alterations of hematologic parameters have also been observed in synthetic rubber workers exposed to BD.

(2) Potential Adverse Health Effects.

(a) Acute.

Skin contact with liquid BD causes characteristic burns or frostbite. BD in gaseous form can irritate the eyes, nasal passages, throat, and lungs. Blurred vision, coughing, and drowsiness may also occur. Effects are mild at 2,000 ppm and pronounced at 8,000 ppm for exposures occurring over the full workshift.

At very high concentrations in air, BD is an anesthetic, causing narcosis, respiratory paralysis, unconsciousness, and death. Such concentrations are unlikely, however, except in an extreme emergency because BD poses an explosion hazard at these levels.

(b) Chronic.

The principal adverse health effects of concern are BD-induced lymphoma, leukemia and potential reproductive toxicity. Anemia and other changes in the peripheral blood cells may be indicators of excessive exposure to BD.

(c) Reproductive.

Workers may be concerned about the possibility that their BD exposure may be affecting their ability to procreate a healthy child. For workers with high exposures to BD, especially those who have experienced difficulties in conceiving, miscarriages, or stillbirths, appropriate medical and laboratory evaluation of fertility may be necessary to determine if BD is having any adverse effect on the reproductive system or on the health of the fetus.

(3) Medical Screening Components At-A-Glance.

(a) Health Questionnaire.

The most important goal of the health questionnaire is to elicit information from the worker regarding potential signs or symptoms generally related to leukemia or other blood abnormalities. Therefore, physicians or other licensed health care professionals should be aware of the presenting symptoms and signs of lymphohematopoietic disorders and cancers, as well as the procedures necessary to confirm or exclude such diagnoses. Additionally, the health questionnaire will assist with the identification of workers at greatest risk of developing leukemia or adverse reproductive effects from their exposures to BD.

Workers with a history of reproductive difficulties or a personal or family history of immune deficiency syndromes, blood dyscrasias, lymphoma, or leukemia, and those who are or have been exposed to medicinal drugs or chemicals known to affect the hematopoietic or lymphatic systems may be at higher risk from their exposure to BD. After the initial administration, the health questionnaire must be updated annually.

(b) Complete Blood Count (CBC).

The medical screening and surveillance program requires an annual CBC, with differential and platelet count, to be provided for each employee with BD exposure. This test is to be performed on a blood sample obtained by phlebotomy of the venous system or, if technically feasible, from a fingerstick sample of capillary blood. The sample is to be analyzed by an accredited laboratory.

Abnormalities in a CBC may be due to a number of different etiologies. The concern for workers exposed to BD includes, but is not limited to, timely identification of lymphohematopoietic cancers, such as leukemia and non-Hodgkin's lymphoma. Abnormalities of portions of the CBC

are identified by comparing an individual's results to those of an established range of normal values for males and females. A substantial change in any individual employee's CBC may also be viewed as "abnormal" for that individual even if all measurements fall within the population-based range of normal values. It is suggested that a flowsheet for laboratory values be included in each employee's medical record so that comparisons and trends in annual CBCs can be easily made.

A determination of the clinical significance of an abnormal CBC shall be the responsibility of the examining physician, other licensed health care professional, or medical specialist to whom the employee is referred. Ideally, an abnormal CBC should be compared to previous CBC measurements for the same employee, when available. Clinical common sense may dictate that a CBC value that is very slightly outside the normal range does not warrant medical concern. A CBC abnormality may also be the result of a temporary physical stressor, such as a transient viral illness, blood donation, or menorrhagia, or laboratory error. In these cases, the CBC should be repeated in a timely fashion, i.e., within 6 weeks, to verify that return to the normal range has occurred. A clinically significant abnormal CBC should result in removal of the employee from further exposure to BD. Transfer of the employee to other work duties in a BD-free environment would be the preferred recommendation.

(c) Physical Examination.

The medical screening and surveillance program requires an initial physical examination for workers exposed to BD; this examination is repeated once every three years. The initial physical examination should assess each worker's baseline general health and rule out clinical signs of medical conditions that may be caused by or aggravated by occupational BD exposure. The physical examination should be directed at identification of signs of lymphohematopoietic disorders, including lymph node enlargement, splenomegaly, and hepatomegaly.

Repeated physical examinations should update objective clinical findings that could be indicative of interim development of a lymphohematopoietic disorder, such as lymphoma, leukemia, or other blood abnormality. Physical examinations may also be provided on an as needed basis in order to follow up on a positive answer on the health questionnaire, or in response to an abnormal CBC. Physical examination of workers who will no longer be working in jobs with BD exposure are intended to rule out lymphohematopoietic disorders.

The need for physical examinations for workers concerned about adverse reproductive effects from their exposure to BD should be identified by the physician or other licensed health care professional and provided accordingly. For these workers, such consultations and examinations may relate to developmental toxicity and reproductive capacity.

Physical examination of workers acutely exposed to significant levels of BD should be especially directed at the respiratory system, eyes, sinuses, skin, nervous system, and any region associated with particular complaints. If the worker has received a severe acute exposure, hospitalization may be required to assure proper medical management. Since this type of exposure may place workers at greater risk of blood abnormalities, a CBC must be obtained within 48 hours and repeated at one, two, and three months.

Appendix D: Sampling and Analytical Method for 1,3-Butadiene (Nonmandatory)

OSHA Method No.: 56.

Matrix: Air.

Target concentration: 1 ppm (2.21 mg/m(3)).

Procedure: Air samples are collected by drawing known volumes of air through sampling tubes containing charcoal adsorbent which has been coated with 4-tert-butylcatechol. The samples are desorbed with carbon disulfide and then analyzed by gas chromatography using a flame ionization detector.

Recommended sampling rate and air volume: 0.05 L/min and 3 L.

Detection limit of the overall procedure: 90 ppb (200 ug/m(3)) (based on 3 L air volume).

Reliable quantitation limit: 155 ppb (343 ug/m(3)) (based on 3 L air volume).

Standard error of estimate at the target concentration: 6.5%.

Special requirements: The sampling tubes must be coated with 4-tert-butylcatechol. Collected samples should be stored in a freezer.

Status of method: A sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah 84165.

(1) Background.

This work was undertaken to develop a sampling and analytical procedure for BD at 1 ppm. The current method recommended by OSHA for collecting BD uses activated coconut shell charcoal as the sampling medium (Ref. 5.2). This method was found to be inadequate for use at low BD levels because of sample instability.

The stability of samples has been significantly improved through the use of a specially cleaned charcoal which is coated with 4-tert-butylcatechol (TBC). TBC is a polymerization inhibitor for BD (Ref. 5.3).

(a) Toxic effects.

Symptoms of human exposure to BD include irritation of the eyes, nose and throat. It can also cause coughing, drowsiness and fatigue. Dermatitis and frostbite can result from skin exposure to liquid BD. (Ref. 5.1)

NIOSH recommends that BD be handled in the workplace as a potential occupational carcinogen. This recommendation is based on two inhalation studies that resulted in cancers at multiple sites in rats and in mice. BD has also demonstrated mutagenic activity in the presence of a liver microsomal activating system. It has also been reported to have adverse reproductive effects. (Ref. 5.1)

(b) Potential workplace exposure.

About 90% of the annual production of BD is used to manufacture styrene-butadiene rubber and Polybutadiene rubber. Other uses include: Polychloroprene rubber, acrylonitrile butadiene-styrene resins, nylon intermediates, styrene-butadiene latexes, butadiene polymers, thermoplastic elastomers, nitrile resins, methyl methacrylate-butadiene styrene resins and chemical intermediates. (Ref. 5.1)

(c) Physical properties (Ref. 5.1).

CAS No.: 106-99-0

Molecular weight: 54.1

Appearance: Colorless gas

Boiling point: -4.41 deg. C (760 mm Hg)

Freezing point: -108.9 deg. C

Vapor pressure: 2 atm (a) 15.3 deg. C; 5 atm (a) 47 deg. C

Explosive limits: 2 to 11.5% (by volume in air)

Odor threshold: 0.45 ppm

Structural formula: $\text{H}_2\text{C}=\text{CHCH}=\text{CH}_2$

Synonyms: BD; biethylene; bivinyl; butadiene; divinyl; buta-1,3-diene; alpha-gamma-butadiene; erythrene; NCI-C50602; pyrrolylene; vinylethylene.

(d) Limit defining parameters.

The analyte air concentrations listed throughout this method are based on an air volume of 3 L and a desorption volume of 1 mL. Air concentrations listed in ppm are referenced to 25 deg. C and 760 mm Hg.

(e) Detection limit of the analytical procedure.

The detection limit of the analytical procedure was 304 pg per injection. This was the amount of BD which gave a response relative to the interferences present in a standard.

(f) Detection limit of the overall procedure.

The detection limit of the overall procedure was 0.60 ug per sample (90 ppb or 200 ug/m(3)). This amount was determined graphically. It was the amount of analyte which, when spiked on the sampling device, would allow recovery approximately equal to the detection limit of the analytical procedure.

(g) Reliable quantitation limit.

The reliable quantitation limit was 1.03 ug per sample (155 ppb or 343 ug/m(3)). This was the smallest amount of analyte which could be quantitated within the limits of a recovery of at least 75% and a precision (+/- 1.96 SD) of +/- 25% or better.

(h) Sensitivity.(1)

Footnote (1) The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operation parameters.

The sensitivity of the analytical procedure over a concentration range representing 0.6 to 2 times the target concentration, based on the recommended air volume, was 387 area units per ug/mL. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(i) Recovery.

The recovery of BD from samples used in storage tests remained above 77% when the samples were stored at ambient temperature and above 94% when the samples were stored at refrigerated temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least 75% following storage.

(j) Precision (analytical method only).

The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.6 to 2 times the target concentration was 0.011.

(k) Precision (overall procedure).

The precision at the 95% confidence level for the refrigerated temperature storage test was +/- 12.7%. This value includes an additional +/- 5% for sampling error. The overall

procedure must provide results at the target concentrations that are $\pm 25\%$ at the 95% confidence level.

(l) Reproducibility.

Samples collected from a controlled test atmosphere and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The average recovery was 97.2% and the standard deviation was 6.2%.

(2) Sampling procedure.

(a) Apparatus. Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.05 L/min sampling rate with the sampling tube in line.

(b) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane-treated glass and is about 5-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The opening in the tapered end of the sampling tube is at least one-half the ID of the tube (2 mm). The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with 2 sections of pretreated charcoal which has been coated with TBC. The tube is packed with a 50-mg backup section, located nearest the tapered end, and with a 100-mg sampling section of charcoal. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic end caps. Instructions for the pretreatment and coating of the charcoal are presented in Section 4.1 of this method.

(c) Reagents.

None required.

(d) Technique.

(i) Properly label the sampling tube before sampling and then remove the plastic end caps.

(ii) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the larger front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(iii) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps. Wrap the tube lengthwise.

(iv) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(v) List any potential interferences on the sample data sheet.

(vi) The samples require no special shipping precautions under normal conditions. The samples should be refrigerated if they are to be exposed to higher than normal ambient temperatures. If the samples are to be stored before they are shipped to the laboratory, they should be kept in a freezer. The samples should be placed in a freezer upon receipt at the laboratory.

(e) Breakthrough.

(Breakthrough was defined as the relative amount of analyte found on the backup section of the tube in relation to

the total amount of analyte collected on the sampling tube. Five-percent breakthrough occurred after sampling a test atmosphere containing 2.0 ppm BD for 90 min. at 0.05 L/min. At the end of this time 4.5 L of air had been sampled and 20.1 ug of the analyte was collected. The relative humidity of the sampled air was 80% at 23 deg. C.)

Breakthrough studies have shown that the recommended sampling procedure can be used at air concentrations higher than the target concentration. The sampling time, however, should be reduced to 45 min. if both the expected BD level and the relative humidity of the sampled air are high.

(f) Desorption efficiency.

The average desorption efficiency for BD from TBC coated charcoal over the range from 0.6 to 2 times the target concentration was 96.4%. The efficiency was essentially constant over the range studied.

(g) Recommended air volume and sampling rate.

(h) The recommended air volume is 3 L.

(i) The recommended sampling rate is 0.05 L/min. for 1 hour.

(j) Interferences.

There are no known interferences to the sampling method.

(k) Safety precautions.

(i) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(ii) Follow all safety practices that apply to the work area being sampled.

(3) Analytical procedure.

(a) Apparatus.

(i) A gas chromatograph (GC), equipped with a flame ionization detector (FID).(2)

Footnote (2) A Hewlett-Packard Model 5840A GC was used for this evaluation. Injections were performed using a Hewlett-Packard Model 7671A automatic sampler.

(ii) A GC column capable of resolving the analytes from any interference.(3)

Footnote (3) A 20-ft x 1/8-inch OD stainless steel GC column containing 20% FFAP on 80/100 mesh Chromabsorb W-AW-DMCS was used for this evaluation.

(iii) Vials, glass 2-mL with Teflon-lined caps.

(iv) Disposable Pasteur-type pipets, volumetric flasks, pipets and syringes for preparing samples and standards, making dilutions and performing injections.

(b) Reagents.

(i) Carbon disulfide.(4)

Footnote (4) Fisher Scientific Company A.C.S. Reagent Grade solvent was used in this evaluation.

The benzene contaminant that was present in the carbon disulfide was used as an internal standard (ISTD) in this evaluation.

(ii) Nitrogen, hydrogen and air, GC grade.

(iii) BD of known high purity.(5)

Footnote (5) Matheson Gas Products, CP Grade 1,3-butadiene was used in this study.

(c) Standard preparation.

(i) Prepare standards by diluting known volumes of BD gas with carbon disulfide. This can be accomplished by injecting the appropriate volume of BD into the headspace

above the 1-mL of carbon disulfide contained in sealed 2-mL vial. Shake the vial after the needle is removed from the septum.(6)

Footnote (6) A standard containing 7.71 ug/mL (at ambient temperature and pressure) was prepared by diluting 4 uL of the gas with 1-mL of carbon disulfide.

(ii) The mass of BD gas used to prepare standards can be determined by use of the following equations:

$$MV = (760/BP)(273+t)/(273)(22.41)$$

Where:

MV = ambient molar volume

BP = ambient barometric pressure

T = ambient temperature

ug/uL = 54.09/MV

ug/standard = (ug/uL)(uL) BD used to prepare the standard

(d) Sample preparation.

(i) Transfer the 100-mg section of the sampling tube to a 2-mL vial. Place the 50-mg section in a separate vial. If the glass wool plugs contain a significant amount of charcoal, place them with the appropriate sampling tube section.

(ii) Add 1-mL of carbon disulfide to each vial.

(iii) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand vigorously several times during the desorption period.

(iv) If it is not possible to analyze the samples within 4 hours, separate the carbon disulfide from the charcoal, using a disposable Pasteur-type pipet, following the one hour. This separation will improve the stability of desorbed samples.

(v) Save the used sampling tubes to be cleaned and repacked with fresh adsorbent.

(e) Analysis.

(i) GC Conditions.

Column temperature: 95 deg. C

Injector temperature: 180 deg. C

Detector temperature: 275 deg. C

Carrier gas flow rate: 30 mL/min.

Injection volume: 0.80 uL

GC column: 20-ft x 1/8-in OD stainless steel GC column containing 20%

FFAP on 80/100 Chromabsorb W-AW-DMCS.

(ii) Chromatogram. See Section 4.2.

(iii) Use a suitable method, such as electronic or peak heights, to measure detector response.

(iv) Prepare a calibration curve using several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report the results in ug/mL.

(v) Bracket sample concentrations with standards.

(f) Interferences (analytical).

(i) Any compound with the same general retention time as the analyte and which also gives a detector response is a potential interference. Possible interferences should be reported by the industrial hygienist to the laboratory with submitted samples.

(ii) GC parameters (temperature, column, etc.) may be changed to circumvent interferences.

(iii) A useful means of structure designation is GC/MS. It is recommended that this procedure be used to confirm samples whenever possible.

(g) Calculations.

(i) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(ii) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If any analyte is found on the backup section, this amount is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(iii) The BD air concentration can be expressed using the following equation:

$$\text{mg/m}(3) = (A)(B)/(C)(D)$$

Where:

A = ug/mL from Section 3.7.2

B = volume

C = L of air sampled

D = efficiency

(iv) The following equation can be used to convert results in mg/m(3) to ppm:

$$\text{ppm} = (\text{mg/m}(3))(24.46)/54.09$$

Where:

mg/m(3) = result from Section 3.7.3.

24.46 = molar volume of an ideal gas at 760 mm Hg and 25 deg. C.

(h) Safety precautions (analytical).

(i) Avoid skin contact and inhalation of all chemicals.

(ii) Restrict the use of all chemicals to a fume hood whenever possible.

(iii) Wear safety glasses and a lab coat in all laboratory areas.

(4) Additional Information.

(a) A procedure to prepare specially cleaned charcoal coated with TBC.

(i) Apparatus.

(A) Magnetic stirrer and stir bar.

(B) Tube furnace capable of maintaining a temperature of 700 deg. C and equipped with a quartz tube that can hold 30 g of charcoal.(8)

Footnote (8) A Lindberg Type 55035 Tube furnace was used in this evaluation.

(C) A means to purge nitrogen gas through the charcoal inside the quartz tube.

(D) Water bath capable of maintaining a temperature of 60 deg. C.

(E) Miscellaneous laboratory equipment: One-liter vacuum flask, 1-L Erlenmeyer flask, 350-M1 Buchner funnel with a coarse fitted disc, 4-oz brown bottle, rubber stopper, Teflon tape etc.

(ii) Reagents.

(A) Phosphoric acid, 10% by weight, in water.(9)

Footnote (9) Baker Analyzed Reagent grade was diluted with water for use in this evaluation.

(B) 4-tert-Butylcatechol (TBC).(10)

Footnote (10) The Aldrich Chemical Company 99% grade was used in this evaluation.

(C) Specially cleaned coconut shell charcoal, 20/40 mesh.(11)

Footnote (11) Specially cleaned charcoal was obtained from Supelco, Inc. for use in this evaluation. The cleaning process used by Supelco is proprietary.

(D) Nitrogen gas, GC grade.

(iii) Procedure.

Weigh 30g of charcoal into a 500-mL Erlenmeyer flask. Add about 250 mL of 10% phosphoric acid to the flask and then swirl the mixture. Stir the mixture for 1 hour using a magnetic stirrer. Filter the mixture using a fitted Buchner funnel. Wash the charcoal several times with 250-mL portions of deionized water to remove all traces of the acid. Transfer the washed charcoal to the tube furnace quartz tube. Place the quartz tube in the furnace and then connect the nitrogen gas purge to the tube. Fire the charcoal to 700 deg. C. Maintain that temperature for at least 1 hour. After the charcoal has cooled to room temperature, transfer it to a tared beaker. Determine the weight of the charcoal and then add an amount of TBC which is 10% of the charcoal, by weight.

CAUTION-TBC is toxic and should only be handled in a fume hood while wearing gloves.

Carefully mix the contents of the beaker and then transfer the mixture to a 4-oz bottle. Stopper the bottle with a clean rubber stopper which has been wrapped with Teflon tape. Clamp the bottle in a water bath so that the water level is above the charcoal level. Gently heat the bath to 60 deg. C and then maintain that temperature for 1 hour. Cool the charcoal to room temperature and then transfer the coated charcoal to a suitable container.

The coated charcoal is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number.

(b) Chromatograms.

The chromatograms were obtained using the recommended analytical method. The chart speed was set at 1 cm/min. for the first three min. and then at 0.2 cm/min. for the time remaining in the analysis.

The peak which elutes just before BD is a reaction product between an impurity on the charcoal and TBC. This peak is always present, but it is easily resolved from the analyte. The peak which elutes immediately before benzene is an oxidation product of TBC.

(5) References.

(a) "Current Intelligence Bulletin 41, 1,3-Butadiene", U.S. Dept. of Health and Human Services, Public Health Service, Center for Disease Control, NIOSH.

(b) "NIOSH Manual of Analytical Methods", 2nd ed.; U.S. Dept. of Health Education and Welfare, National Institute for Occupational Safety and Health: Cincinnati, OH. 1977, Vol. 2, Method No. S91 DHEW (NIOSH) Publ. (U.S.), No. 77-157-B.

(c) Hawley, G.C., Ed. "The Condensed Chemical Dictionary", 8th ed.; Van Nostrand Reinhold Company: New York, 1971; 139.5.4. Chem. Eng. News (June 10, 1985), (63), 22-66.

Appendix E: Reserved.

APPENDIX F, MEDICAL QUESTIONNAIRES, (Non-mandatory)

1,3-Butadiene (BD) Initial Health Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____
Name: _____ SSN ____/____/____
Last First MI

Job Title: _____

Company's Name: _____

Supervisor's Name: _____

Supervisor's Phone No.: () ____-____

Work History

1. Please list all jobs you have had in the past, starting with the job you have now and moving back in time to your first job. (For more space, write on the back of this page.)

Main Job Duty

Year

Company Name

City, State

Chemicals

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

2. Please describe what you do during a typical work day. Be sure to tell about your work with BD.

3. Please check any of these chemicals that you work with now or have worked with in the past:

- benzene _____
- glues _____
- toluene _____
- inks, dyes _____
- other solvents, grease cutters _____
- insecticides (like DDT, lindane, etc.) _____
- paints, varnishes, thinners, strippers _____
- dusts _____
- carbon tetrachloride ("carbon tet") _____
- arsine _____
- carbon disulfide _____
- lead _____
- cement _____

petroleum products _____
 nitrates _____

4. Please check the protective clothing or equipment you use at the job you have now:

gloves _____
 coveralls _____
 respirator _____
 dust mask _____
 safety glasses, goggles _____

Please circle your answer.

5. Does your protective clothing or equipment fit you properly? yes no

6. Have you ever made changes in your protective clothing or equipment to make it fit better? yes no

7. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

8. Where do you eat, drink and/or smoke when you are at work? (Please check all that apply.)

Cafeteria/restaurant/snack bar _____
 Break room/employee lounge _____
 Smoking lounge _____
 At my work station _____

Please circle your answer.

9. Have you been exposed to radiation (like x-rays or nuclear material) at the job you have now or at past jobs? yes no

10. Do you have any hobbies that expose you to dusts or chemicals (including paints, glues, etc.)? yes no

11. Do you have any second or side jobs? yes no
 If yes, what are your duties there?

12. Were you in the military? yes no

If yes, what did you do in the military? _____

Family Health History

1. In the FAMILY MEMBER column, across from the disease name, write which family member, if any, had the disease.

DISEASE	FAMILY MEMBER
Cancer	
Lymphoma	
Sickle Cell Disease or Trait	
Immune Disease	
Leukemia	
Anemia	

2. Please fill in the following information about family health

Relative
 Alive?

Age at Death?
 Cause of Death?

Father
 Mother
 Brother/Sister
 Brother/Sister
 Brother/Sister

Personal Health History

Birth Date ____/____/____ Age ____ Sex ____ Height ____ Weight ____

Please circle your answer.

1. Do you smoke any tobacco products? yes no

2. Have you ever had any kind of surgery or operation?
 yes no

If yes, what type of surgery:

3. Have you ever been in the hospital for any other reasons? yes no

If yes, please describe the reason _____

4. Do you have any on-going or current medical problems or conditions? yes no

If yes, please describe: _____

5. Do you now have or have you ever had any of the following? Please check all that apply to you.

unexplained fever	_____
anemia ("low blood")	_____
HIV/AIDS	_____
weakness	_____
sickle cell	_____
miscarriage	_____
skin rash	_____
bloody stools	_____
leukemia/lymphoma	_____
neck mass/swelling	_____
wheezing	_____
yellowing of skin	_____
bruising easily	_____
lupus	_____
weight loss	_____
kidney problems	_____
enlarged lymph nodes	_____
liver disease	_____
cancer	_____
infertility	_____
drinking problems	_____
thyroid problems	_____
night sweats	_____
chest pain	_____

If yes, please describe:

4. Do you have any of the following? Please place a check for all that apply to you.

unexplained fever	_____
anemia ("low blood")	_____
HIV/AIDS	_____
weakness	_____
sickle cell	_____
miscarriage	_____
skin rash	_____
bloody stools	_____
leukemia/lymphoma	_____
neck mass/swelling	_____
wheezing	_____
yellowing of skin	_____
bruising easily	_____
lupus	_____
weight loss	_____
kidney problems	_____
enlarged lymph nodes	_____
liver disease	_____
cancer	_____
infertility	_____
drinking problems	_____
thyroid problems	_____
night sweats	_____
chest pain	_____
still birth	_____
eye redness	_____
lumps you can feel	_____
child with birth defect	_____
autoimmune disease	_____
overly tired	_____
lung problems	_____
rheumatoid arthritis	_____
mononucleosis ("mono")	_____
nagging cough	_____

Please circle your answer.

5. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

6. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

7. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

8. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

9. Have you been taking any NEW medications (including birth control or over-the-counter)? yes no

If yes, please list:

_____	_____	_____
_____	_____	_____
_____	_____	_____

10. Have you developed any new allergies to medications, foods, or chemicals? yes no

If yes, please list:

_____	_____	_____
_____	_____	_____

11. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

12. Do you understand all the questions? yes no

Signature _____

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-07460, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07460, filed 4/27/04, effective 8/1/04; 03-18-090, § 296-62-07460, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07460, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07460, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 97-19-014, § 296-62-07460, filed 9/5/97, effective 11/5/97.]

WAC 296-62-07521 Lead. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-307 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) General requirements.

(a) Employers will assess the hazards of lead in the work place and provide information to the employees about the hazards of the lead exposures to which they may be exposed.

(b) Information provided shall include:

(i) Exposure monitoring (including employee notification);

(ii) Written compliance programs;

(iii) Respiratory protection programs;

(iv) Personnel protective equipment and housekeeping;

(v) Medical surveillance and examinations;

(vi) Training requirements;

(vii) Recordkeeping requirements.

(4) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 µg/m³) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a

time weighted average (TWA) for that day, shall be reduced according to the following formula:

Maximum permissible limit (in $\mu\text{g}/\text{m}^3$) = $400 \div$
hours worked in the day.

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (7) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(5) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (5), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (5)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (5)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (5)(b) and (5)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if

the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (5)(b) and (5)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (5)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (5)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (5)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (5)(f)(ii), except as otherwise provided in subdivision (5)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than $30 \mu\text{g}/\text{m}^3$.

(6) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g}/\text{m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g}/\text{m}^3$.

TABLE 1

Industry	Compliance dates: ¹ (50 $\mu\text{g}/\text{m}^3$)
Lead chemicals, secondary copper smelting.	July 19, 1996
Nonferrous foundries	July 19, 1996. ²
Brass and bronze ingot manufacture.	6 years. ³

¹ Calculated by counting from the date the stay on implementation of subsection (6)(a) was lifted by the U.S. Court of Appeals for the District of Columbia, the number of years specified in the 1978 lead standard and subsequent amendments for compliance with the PEL of 50 $\mu\text{g}/\text{m}^3$ for exposure to airborne concentrations of lead levels for the particular industry.

² Large nonferrous foundries (20 or more employees) are required to achieve the PEL of 50 $\mu\text{g}/\text{m}^3$ by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees) are required to achieve an 8-hour TWA of 75 $\mu\text{g}/\text{m}^3$ by such controls.

³ Expressed as the number of years from the date on which the Court lifts the stay on the implementation of subsection (6)(a) for this industry for employers to achieve a lead in air concentration of 75 $\mu\text{g}/\text{m}^3$. Compliance with subsection (6) in this industry is determined by a compliance directive that incorporates elements from the settlement agreement between OSHA and representatives of the industry.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (7).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (6)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (6)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(e) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement engineering or work-practice controls;

(ii) Work operations for which engineering and work-practice controls are not sufficient to reduce exposures to or below the permissible exposure limit;

(iii) Periods when an employee requests a respirator.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (11)(c)(ii)(C) of this section to determine whether or not the employee can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must select the appropriate respirator or combination of respirators from Table II of this section.

(ii) The employer must provide a powered air-purifying respirator instead of the respirator specified in Table II of this section when an employee chooses to use this type of respirator and that such a respirator provides adequate protection to the employee.

TABLE II

RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied-air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(8) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-800-160.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (8)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (8)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (10)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (8)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD.

DO NOT REMOVE DUST BY BLOWING OR SHAKING.

DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(9) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(10) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (10)(b) through (10)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(iii) The employer shall assure that employees who are required to shower pursuant to item (10)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-800-230.

(11) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (11)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (11)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level

at or above 40 µg/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/100 g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i)(A), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 µg/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 µg/100 g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (11)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and

nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (11)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the

third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so

long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (11)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(12) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 µg/100g of whole blood; and

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 µg/100g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 µg/100g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 60 µg/100g, or due to an average blood lead level at or above 50 µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 µg/100 g of whole blood;

(II) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time

that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits

to the employee equal to that required by item (12)(b)(i) of this section.

(13) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (13)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (13)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(14) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(15) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (11) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (11) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (12) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (15) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with chapter 296-802 WAC. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (15) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in chapter 296-802 WAC.

(16) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall

require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(a) Appendix A. Substance Data Sheet for Occupational Exposure to Lead.

(i) Substance identification.

(A) Substance. Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

(B) Compounds covered by the standard. The word "lead" when used in this standard means elemental lead, all inorganic lead compounds (except those which are not biologically available due to either solubility or specific chemical interaction), and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

(C) Uses. Exposure to lead occurs in at least 120 different occupations, including primary and secondary lead smelting, lead storage battery manufacturing, lead pigment manufacturing and use, solder manufacturing and use, shipbuilding and ship repairing, auto manufacturing, and printing.

(D) Permissible exposure. The Permissible Exposure Limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an eight-hour work day.

(E) Action level. The standard establishes an action level of 30 micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) time weighted average, based on an eight-hour work day. The action level initiates several requirements of the standard, such as exposure monitoring, medical surveillance, and training and education.

(ii) Health hazard data.

(A) Ways in which lead enters your body.

(I) When absorbed into your body in certain doses lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed.

(II) Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume or mist, it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb

lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion.

(III) A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in your blood and other tissue. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

(B) Effects of overexposure to lead.

(I) Short-term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short-term dose of lead can lead to acute encephalopathy. Short-term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(II) Long-term (chronic) overexposure.

a) Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain.

b) Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy.

c) Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost.

When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression of kidney dialysis or death is possible.

d) Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood.

e) Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(III) Health protection goals of the standard.

a) Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that worker blood lead (PbB) levels be maintained at or below forty micrograms per one hundred grams of whole blood (40 $\mu\text{g}/100\text{g}$). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 $\mu\text{g}/100\text{g}$ to minimize adverse reproductive health effects to the parents and to the developing fetus.

b) The measurement of your blood lead level is the most useful indicator of the amount of lead absorbed by your body. Blood lead levels (PbB) are most often reported in units of milligrams (mg) or micrograms (μg) of lead (1 mg = 1000 μg) per 100 grams (100g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometimes PbB's are expressed in the form of mg% or $\mu\text{g}\%$. This is a shorthand notation for 100g, 100ml, or dl.

c) PbB measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. PbB measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between PbBs and various diseases. As a result, your PbB is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

d) Once your blood lead level climbs above 40 $\mu\text{g}/100\text{g}$, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular PbB in a given person will cause a particular effect. Studies have associated fatal encephalopathy with PbBs as low as 150 $\mu\text{g}/100\text{g}$. Other studies have shown other forms of disease in some workers with PbBs well below 80 $\mu\text{g}/100\text{g}$.

Your PbB is a crucial indicator of the risks to your health, but one other factor is extremely important. This factor is the length of time you have had elevated PbBs. The longer you have an elevated PbB, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage.

e) The best way to prevent all forms of lead-related impairments and diseases—both short-term and long-term—is to maintain your PbB below 40 $\mu\text{g}/100\text{g}$. The provisions of the standard are designed with this end in mind. Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own action, and seeing that your employer complies with the provisions governing his actions.

(IV) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead on your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place.

(b) Appendix B. Employee Standard Summary. This appendix summarizes key provisions of the standard that you as a worker should become familiar with. The appendix discusses the entire standard.

(i) Permissible exposure limit (PEL). The standard sets a permissible exposure limit (PEL) of fifty micrograms of lead per cubic meter of air (50 $\mu\text{g}/\text{m}^3$), averaged over an eight-hour workday. This is the highest level of lead in air to which you may be permissibly exposed over an eight-hour workday. Since it is an eight-hour average it permits short exposures above the PEL so long as for each eight-hour workday your average exposure does not exceed the PEL.

(ii) Exposure monitoring.

(A) If lead is present in the work place where you work in any quantity, your employer is required to make an initial determination of whether the action level is exceeded for any employee. The initial determination must include instrument monitoring of the air for the presence of lead and must cover the exposure of a representative number of employees who are reasonably believed to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past year he may use these results. If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level (30 $\mu\text{g}/\text{m}^3$)

your employer must set up an air monitoring program to determine the exposure level of every employee exposed to lead at your work place.

(B) In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he or she must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represented by at least one full shift (at least seven hours) air sample. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead.

(C) If you are exposed to lead and air sampling is performed, your employer is required to quickly notify you in writing of air monitoring results which represent your exposure. If the results indicate your exposure exceeds the PEL (without regard to your use of respirators), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that will be taken to reduce your exposure.

(D) Your exposure must be rechecked by monitoring every six months if your exposure is over the action level but below the PEL. Air monitoring must be repeated every three months if you are exposed over the PEL. Your employer may discontinue monitoring for you if two consecutive measurements, taken at least two weeks apart, are below the action level. However, whenever there is a production, process, control, or personnel change at your work place which may result in new or additional exposure to lead, or whenever there is any other reason to suspect a change which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(iii) Methods of compliance. Your employer is required to assure that no employee is exposed to lead in excess of the PEL. The standard establishes a priority of methods to be used to meet the PEL.

(iv) Respiratory protection.

(A) Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level does not exceed the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

(B) Your employer is required to select respirators from the seven types listed in Table II of the respiratory protection section of this standard (see subsection (7)(c) of this section). Any respirator chosen must be certified by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a

type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your work place. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative-pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

(C) Your employer must also start a respiratory protection program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

(D) Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection against air borne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as required in chapter 296-842 WAC.

(E) You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

(F) The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

(v) Protective work clothing and equipment. If you are exposed to lead above the PEL, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu\text{g}/\text{m}^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. He or she is responsible for providing repairs and replacement as necessary and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment. Contaminated work clothing or equipment must be removed in change rooms and not worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc. Contaminated clothing which is to be cleaned,

laundered or disposed of must be placed in closed containers in the change room. At no time may lead be removed from protective clothing or equipment by any means which disperses lead into the work room air.

(vi) Housekeeping. Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is absolutely prohibited. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used and emptied in a manner which minimizes the reentry of lead into the work place.

(vii) Hygiene facilities and practices.

(A) The standard requires that change rooms, showers and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers and lunchrooms, must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home and this includes shoes and underwear. Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home. Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth or other cleaning methods. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

(B) All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(viii) Medical surveillance.

(A) The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have effectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (I) who have high body burdens of lead acquired over past years, (II) who have additional uncontrolled sources of nonoccupational lead exposure, (III) who exhibit unusual variations in lead absorption rates, or (IV) who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be impor-

tant to protect your reproductive ability - regardless of whether you are a man or a woman.

(B) All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts - periodic biological monitoring, and medical examinations.

(C) Your employer's obligation to offer medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which included blood lead level tests and medical examinations, must be completed for all covered employees no later than 180 days from the effective date of this standard. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance - both biological monitoring and medical examinations - available to all covered employees.

(D) Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every six months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB exceeds 40 µg/100g, the monitoring frequency must be increased from every six months to at least every two months and not reduced until two consecutive PbBs indicate a blood lead level below 40 µg/100g. Each time your PbB is determined to be over 40 µg/100g, your employer must notify you of this in writing within five working days of the receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB exceeds certain criteria (see Discussion of Medical Removal Protection - subsection (12)). During the first year of the standard, this removal criterion is 80 µg/100g. Anytime your PbB exceeds 80 µg/100g your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed 80 µg/100g and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

(E) Medical examinations beyond the initial one must be made available on an annual basis if your blood lead levels exceeds 40µg/100g at any time during the preceding year. The initial examination will provide information to establish a baseline to which subsequent data can be compared. An initial medical examination must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing

a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

(F) Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard (see item (ix) below).

(G) The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include (I) a detailed work history and medical history, (II) a thorough physical examination, and (III) a series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

(H) The standard does not require that you participate in any of the medical procedures, tests, etc., which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. Generally, your employer will choose the physician who conducts medical surveillance under the lead standard - unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

(I) The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (I) the standard and its appendices, (II) a description of your duties as they relate to lead exposure, (III) your exposure level, (IV) a description of personal protective equipment you wear, (V) prior blood level results, and (VI) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (I) the physician's opinion as to whether you have any medical conditions which places you at increased risk of material impairment to health from exposure to lead, (II) any recommended special protective measures to be provided to you, (III) any blood lead level determinations, and (IV) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

(J) The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true these workers might have legal rights to compensation from public agencies, their employers, firms that supply haz-

ardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker to learn of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

(K) The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

(L) The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be safe. It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

(M) The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation, involves giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

(N) In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

(ix) Medical removal protection.

(A) Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights of benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to eighteen months of protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a long-term worker's blood lead level does not adequately decline during eighteen months of removal.

(B) During the first year of the standard, if your blood lead level is 80 $\mu\text{g}/100\text{g}$ or above you must be removed from any exposure where your air lead level without a respirator would be 100 $\mu\text{g}/\text{m}^3$ or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least 60 $\mu\text{g}/100\text{g}$. These criteria for removal and return will change according to the following schedule:

TABLE 1

Effective Date	Removal Blood Level ($\mu\text{g}/100\text{g}$)	Air Lead ($\mu\text{g}/\text{m}^3$)	Return Blood Lead ($\mu\text{g}/100\text{g}$)
9/6/81	At or above 70	50 or above	At or below 50
9/6/82	At or above 60	30 or above	At or below 40
9/6/84	At or above 50 averaged over six months	30 or above	At or below 40

(C) You may also be removed from exposure even if your blood lead levels are below these criteria if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employer's medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the physician indicates it is safe for you to do so.

(D) The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a

removed worker is provided no right to veto an employer's choice which satisfies the standard.

(E) In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

(F) In all of these situations, MRP benefits must be provided during the period of removal - i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings include more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the physician believes to be appropriate. If you do not participate in this follow-up medical surveillance, you may lose your eligibility for MRP benefits.

(G) When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred, that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

(H) If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

(I) The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(x) Employee information and training.

(A) Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead. This program must inform these employees of the specific hazards associated with their work environment, protective measures which can be taken, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. In addition, your employer must make readily available to all employees, including those exposed below the action level, a copy of the standard and its appen-

dices and must distribute to all employees any materials provided to the employer under the Washington Industrial Safety and Health Act (WISHA).

(B) Your employer is required to complete this training for all employees by March 4, 1981. After this date, all new employees must be trained prior to initial assignment to areas where there is possibility of exposure over the action level. This training program must also be provided at least annually thereafter.

(xi) Signs. The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
NO SMOKING OR EATING

(xii) Recordkeeping.

(A) Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytic techniques, the results of this sampling and the type of respiratory protection being worn by the person sampled. Your employer is also required to keep all records of biological monitoring and medical examination results. These must include the names of the employees, the physician's written opinion and a copy of the results of the examination. All of the above kinds of records must be kept for 40 years, or for at least 20 years after your termination of employment, whichever is longer.

(B) Recordkeeping is also required if you are temporarily removed from your job under the MRP program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

(C) The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than PbBs must also be provided to you upon request, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(xiii) Observations of monitoring. When air monitoring for lead is performed at your work place as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the areas that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

(xiv) Effective date. The standard's effective date is September 6, 1980, and the employer's obligation under the standard begin to come into effect as of that date. The standard was originally adopted as WAC 296-62-07349 and later recodified to WAC 296-62-07521.

(c) Appendix C. Medical Surveillance Guidelines.

(i) Introduction.

(A) The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for inorganic lead* was promulgated to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

*The term inorganic lead used throughout the medical surveillance appendices is meant to be synonymous with the definition of lead set forth in the standard.

(B) Under this final standard in effect as of September 6, 1980, occupational exposure to inorganic lead is to be limited to 50 µg/m³ (micrograms per cubic meter) based on an eight-hour time-weighted average (TWA). This level of exposure eventually must be achieved through a combination of engineering, work practice and other administrative controls. Periods of time ranging from one to ten years are provided for different industries to implement these controls which are based on individual industry considerations. Until these controls are in place, respirators must be used to meet the 50 µg/m³ exposure limit.

(C) The standard also provides for a program of biological monitoring and medical surveillance for all employees exposed to levels of inorganic lead above the action level of 30 µg/m³ for more than thirty days per year.

(D) The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

(E) Item (ii) provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and WISHA's position on prophylactic chelation therapy are also included in this section.

(F) Item (iii) discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

(G) Item (iv) outlines the recommended medical evaluation of the worker exposed to inorganic lead including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in item (ii).

(H) Item (v) provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of

each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

(I) Airborne levels to be achieved without reliance or respirator protection through a combination of engineering and work practice or other administrative controls are illustrated in the following table:

Industry	Permissible Lead Level/ Compliance Date		
	200µg/m ³	100µg/m ³	50µg/m ³
Primary Lead Production	1973	06/29/84	06/29/91
Secondary Lead Production	1973	06/29/84	06/29/91
Lead Acid Battery Manufacturing	1973	06/29/83	06/29/91
Automobile Mfg./Solder, Grinding Electronics, Gray Iron Foundries, Ink Mfg., Paints and Coatings Mfg., Can Mfg., Wallpaper Mfg., and Printing.	1973	N/A	03/08/97
Lead Chemical Mfg., Nonferrous Foundries, Leaded Steel Mfg., Battery Breaking in the Collection and Processing of Scrap (when not a part of secondary lead smelter) Secondary Copper Smelter, Brass and Bronze Ingot Production.	1973	N/A	N/A [*]
All Other Industries	1973	N/A	09/08/92

* Feasibility of achieving the PEL by engineering and work practice controls for these industries has yet to be resolved in court, therefore no date has been scheduled.

(ii) Medical surveillance and monitoring requirements for workers exposed to inorganic lead.

(A) Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead

above the action level of 30 µg/m³ TWA for more than thirty days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

(B) Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 µg/m³ is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40µg/100g whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. Zinc protoporphyrin (ZPP) measurement is required on each occasion that a blood lead level measurement is made.

(C) An annual medical examination and consultation performed under the guidelines discussed in item (iv) is to be made available to each employee for whom a blood test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 µg/100g. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

(D) Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal program (MRP). The object of the MRP program is to provide temporary medical removals to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. The following guidelines which are summarized in Table 10 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.

TABLE 10
EFFECTIVE DATE

A.	Blood lead level requiring employee medical removal (level must be confirmed with second follow-up blood lead level within two weeks of first report).	Sept. 6, 1980	Sept. 6, 1981	Sept. 6, 1982	Sept. 6, 1983	Sept. 6, 1984
		>80 µg/100g.	>70 µg/100g.	>60 µg/100g.	>60 µg/100g.	>60 µg/100g or average of last three blood samples or all blood samples over previous 6 months (whichever is over a longer

TABLE 10
EFFECTIVE DATE

	Sept. 6, 1980	Sept. 6, 1981	Sept. 6, 1982	Sept. 6, 1983	Sept. 6, 1984 time period) is 50 µg/100g. or greater unless last sample is 40 µg/ 100g or less.
B. Frequency which employees exposed is action level of lead (30 µg/m ³ TWA) must have blood lead level checked. (ZPP is also required in each occasion that a blood test is obtained):					
1. Last blood lead level less than 40 µg/100g	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.
2. Last blood lead level between 40 µg/100g and level requiring medical removal (see A above)	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.
3. Employees removed from exposure to lead because of an elevated blood lead level	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.
C. Permissible airborne exposure limit for workers removed from work due to an elevated blood lead level (without regard to respirator protection).	100 µg/m ³ 8 hr TWA	50 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA
D. Blood lead level confirmed with a second blood analysis, at which employee may return to work. Permissible exposure without regard to respirator protection is listed by industry in Table 1.	60 µg/100g	50 µg/100g	40 µg/100g	40 µg/100g	40 µg/100g

Note: Where medical opinion indicates that an employee is at risk of material impairment from exposure to lead, the physician can remove an employee from exposure exceeding the action level (or less) or recommend special protective measures as deemed appropriate and necessary. Medical monitoring during the medical removal period can be more stringent than noted in the table above if the physician so specifies. Return to work or removal of limitations and special protections is permitted when the physician indicates that the worker is no longer at risk of material impairment.

(E) Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight-hour TWA exposure to lead of 30 µg/m³ or more whenever either of the following circumstances apply. (I) a blood lead level of 60 µg/100g or greater is obtained and confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sample test, or (II) the average of the previous three blood lead determinations or the average of all blood lead

determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds 50 µg/100g, unless the last blood sample indicates a blood lead level at or below 40 µg/100g, in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are 40 µg/100g or less.

(F) During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set

to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979, to March 1, 1980, the blood lead level requiring employee medical removal is 80 µg/100g. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily eight hour TWA exposure to lead at or above 100 µg/m³. Workers so removed are to be returned to work when their blood lead levels are at or below 60 µg/100g of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is 70 µg/100g. During this period workers need only be removed from jobs having a daily eight hour TWA exposure to lead at or above 50 µg/m³ and are to be returned to work when a level of 50 µg/100g is achieved. Beginning March 1, 1981, return depends on the worker's blood lead level declining to 40 µg/100g of whole blood.

(G) As part of the standard, the employer is required to notify in writing each employee whose whole blood lead level exceeds 40 µg/100g. In addition, each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limits.

(H) In addition to the above blood lead level criteria, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursuant to the standard. If the examining physician includes medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above the action level. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations. Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective procedures to the needs of individual employees. This flexibility extends to the evaluation and management of pregnant workers and male and female workers who are planning to conceive children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to his or her former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that the special measures are no longer needed.

(I) During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker has not been removed) for a period of up to eighteen months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall

obligation to provide a safe and healthful work place. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

(J) On rare occasions, an employee's blood lead level may not acceptably decline within eighteen months of removal. This situation will arise only in unusual circumstances, thus the standard relies on an individual medical examination to determine how to protect such an employee. This medical determination is to be based on both laboratory values, including lead levels, zinc protoporphyrin levels, blood counts, and other tests felt to be warranted, as well as the physician's judgment that any symptoms or findings on physical examination are a result of lead toxicity. The medical determination may be that the employee is incapable of ever safely returning to his or her former job status. The medical determination may provide additional removal time past eighteen months for some employees or specify special protective measures to be implemented.

(K) The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, he or she can make an appointment with a physician of his or her choice. This second physician will review the findings, recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

(L) The employer must provide examining and consulting physicians with the following specific information: A copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the employee in the employer's possession or control. The employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physician's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

(M) Employers must instruct each physician not to reveal to the employer in writing or in any other way his or her findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or nonoccupationally related medical condition requiring further treatment or evaluation.

(N) The standard provides for the use of respirators when engineering and other primary controls have not been fully implemented. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash where the

facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice are inadequate by providing interim or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

(O) In its final standard on occupational exposure to inorganic lead, WISHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels and other laboratory tests as appropriate. EDTA and penicillamine, which are the primary chelating agents used in the therapy of occupational lead poisoning, have significant potential side effects and their use must be justified on the basis of expected benefits to the worker.

(P) Unless frank and severe symptoms are present, therapeutic chelation is not recommended given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the tests can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

(Q) Employers are required to assure that accurate records are maintained on exposure monitoring, medical surveillance, and medical removal for each employee. Exposure monitoring and medical surveillance records must be kept for forty years or the duration of employment plus twenty years, whichever is longer, while medical removal records must be maintained for the duration of employment. All records required under the standard must be made available upon request to representatives of the director of the department of labor and industries. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

(R) In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(iii) Adverse health effects of inorganic lead.

(A) Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments; first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below 40 µg/100g, and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below 30 µg/100g to minimize adverse reproduction health effects to the parent and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

(B) The spectrum of health effects caused by lead exposure can be subdivided into five developmental states; normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. WISHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

(I) Heme synthesis inhibition.

a) The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta aminolevulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below 20µg/100g whole blood. At a blood lead level of 40 µg/100g, more than twenty percent of the population would have seventy percent inhibition of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than 40 µg/100g.

b) Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of 50 µg/100g or greater, nearly 100 percent of the population will have an increase FEP. There is also an exponential relationship between blood lead levels greater than 40 µg/100g and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

c) While the significance of these effects is subject to debate, it is WISHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

d) One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which

can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 µg/100g can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 µg/100g. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

e) In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

(II) Neurological effects.

a) Inorganic lead had been found to have toxic effects on both the central and peripheral nervous systems. The earliest stage of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delirium, convulsions and coma.

b) The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

c) While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 µg/100g whole blood and therefore recommend a 40 µg/100g maximum. The central nervous system effects frequently are not reversible following discontinued exposure or chelation therapy and when improvement does occur, it is almost always only partial.

d) The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 µg/100g is manifested by slowing or motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, followed in severe cases by wrist drop, much less commonly, foot drop.

e) In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 µg/100g have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculation. Whether these effects occur at levels of 40 µg/100g is undetermined.

f) While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improve-

ment is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

(III) Gastrointestinal. Lead may also effect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 µg/100g.

(IV) Renal.

a) Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal functions remain normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

b) Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

(V) Reproductive effects.

a) Exposure to lead can have serious effects on reproductive function in both males and females. In male workers exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can occur. Teratospermia has been noted at mean blood lead levels of 53 µg/100g and hypospermia and asthenospermia at 41 µg/100g. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

b) Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

c) Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

d) Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

e) Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage

becomes detectable at 12-14 weeks of gestation and increases until birth.

f) There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 µg/100g in children can cause significant neurobehavioral impairments, and there is evidence of hyperactivity at blood levels as low as 25 µg/100g. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 µg/100g with a population mean of 15 µg/100g. Blood lead levels in the fetus and newborn likewise should not exceed 30 µg/100g.

g) Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both males and females as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a 30 µg/100g maximum permissible blood lead level in both males and females who wish to bear children.

(IV) Other toxic effects.

a) Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidneys or if some other mechanism is involved.

b) Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

(iv) Medical evaluation.

(A) The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physician. As discussed in Section (ii), lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are nonspecific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

(B) The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead-containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including lead smelting, the manufacture of lead storage batteries, the manufacture of lead pigments and products containing pigments, solder manufacture, shipbuilding and ship repair, auto manufacturing, construction, and painting.

(C) Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

(D) A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on work processes, exposure to fumes or dust, known exposures to lead or other toxic substances, respiratory protection used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long-term effects such as neurotoxicity and nephrotoxicity are considered.

(E) The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also nonoccupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastrointestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

(F) A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

General	- weight loss, fatigue, decreased appetite.
Head, Eyes, Ears, Nose, Throat (HEENT)	- headaches, visual disturbance or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.
Cardiopulmonary	- shortness of breath, cough, chest pains, palpitations, or orthopnea.
Gastrointestinal	- nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.
Neurologic	- irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbance in gait, difficulty in climbing stairs, or seizures.
Hematologic	- pallor, easy fatigability, abnormal blood loss, melena.
Reproductive (male or female and spouse where relevant)	- history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.
Musculoskeletal	- muscle and joint pains.

(G) The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

(H) The presence of pallor on skin examination may indicate an anemia, which if severe might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

(I) A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

(J) Cranial nerve evaluation should also be included in the routine examination.

(K) The abdominal examination should include auscultation for bowel sounds and abnormal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

(L) Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

(M) As part of the medical evaluation, the lead standard requires the following laboratory studies.

(I) Blood lead level.

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology.

(III) Blood urea nitrogen.

(IV) Serum creatinine.

(V) Routine urinalysis with microscopic examination.

(VI) A zinc protoporphyrin level.

(N) In addition to the above, the physician is authorized to order any further laboratory or other tests which he or she deems necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee.

(O) Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

(P) If an anemia is detected further studies including a careful examination of the peripheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

(Q) If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

(R) If renal disease is questioned, a 24-hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from lead-induced renal disease and a serum uric acid level might be performed.

(S) An electrocardiogram and chest X ray may be obtained as deemed appropriate.

(T) Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

(v) Laboratory evaluation.

(A) The blood level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

(B) This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

(C) The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90 percent of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidneys, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

(D) Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

(E) To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by the Center for Disease Control (CDC) or which have received satisfactory grades in proficiency testing by the CDC in the previous year. Analysis is to be made using atomic absorption spectrophotometry anodic stripping; voltammetry or any method which meets the accuracy requirements set forth by the standard.

(F) The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24 hour urine collections. In addition,

workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

(G) The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding three to four months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

(H) Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then zinc, having a greater affinity for protoporphyrin, takes place in the iron, forming ZPP.

(I) An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 $\mu\text{g}/100\text{g}$ in some workers. Once the blood lead level has reached 40 $\mu\text{g}/100\text{g}$ there is more marked rise in the ZPP value from its normal range of less than 100 $\mu\text{g}/100\text{ml}$. Increases in blood lead levels beyond 40 $\mu\text{g}/100\text{g}$ are associated with exponential increases in ZPP.

(J) Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day lifespan. Therefore, the ZPP level in blood reflects the average ZPP production over the previous three to four months and consequently the average lead exposure during that time interval.

(K) It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 $\mu\text{g}/100\text{ml}$ whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 $\mu\text{g}/100\text{ml}$ and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure the blood leads were determined using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard, by a CDC approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

(L) ZPP has characteristic fluorescence spectrum with a peak at 594nm which is detectable with a hematofluorimeter. The hematofluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

(M) However, careful attention must be given to calibration and quality control procedures. Limited data on blood lead -ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in item (ii) are

the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

(N) Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

(O) The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important increase, however, is that of coproporphyrin III; levels may exceed 5,000 $\mu\text{g}/1$ in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

(vi) Summary.

(A) The WISHA standard for inorganic lead places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead above the action level of 30 $\mu\text{g}/\text{m}^3$ TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

(B) Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

(C) This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects.

(D) It is hoped that this review and discussion will give the physician a better understanding of the WISHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under his or her care.

(d) Appendix D. Recommendations to employers concerning high-risk tasks (nonmandatory).

The department advises employers that the following tasks have a high risk for lead overexposure (this list is not complete; other tasks also can result in lead over-exposure):

- Any open flame operation involving lead-containing solder in a manner producing molten solder, including the manufacture or repair of motor vehicle radiators;
- Sanding, cutting or grinding of lead-containing solder;
- Breaking, recycling or manufacture of lead-containing batteries;
- Casting objects using lead, brass, or lead-containing alloys;
- Where lead-containing coatings or paints are present:
 - abrasive blasting
 - welding
 - cutting
 - torch burning
 - manual demolition of structures
 - manual scraping
 - manual sanding
 - heat gun applications
 - power tool cleaning
 - rivet busting
 - clean-up activities where dry expendable abrasives are used
 - abrasive blasting enclosure movement and removal;
- Spray-painting with lead-containing paint;
- Using lead-containing mortar;
- Lead burning;
- Operation or cleaning of shooting facilities where lead bullets are used;
- Formulation or processing of lead-containing pigments or paints;
- Cutting, burning, or melting of lead-containing materials.

The department recommends that annual blood lead testing be offered to all employees potentially overexposed to lead, including those performing the tasks listed above, regardless of air lead levels. Research has shown that air lead levels often do not accurately predict workers' lead overexposure. The blood lead testing will provide the most information if performed during a period of peak lead exposure.

Employers should be aware that the United States Public Health Service has set a goal of eliminating occupational exposures which result in whole blood lead levels of 25 µg/dl or greater. This goal should guide whether employees' blood lead levels indicate lead overexposure.

If blood lead levels are elevated in an employee performing a task associated with lead overexposure, employers should assess the maintenance and effectiveness of exposure controls, hygiene facilities, respiratory protection program, the employee's work practices and personal hygiene, and the employee's respirator use, if any. If a deficiency exists in any of these areas, the employer should correct the problem.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-07521, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07521, filed 4/27/04, effective 8/1/04; 03-18-090, § 296-62-07521, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07521, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07521, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 96-09-030, § 296-62-07521, filed 4/10/96, effective 6/1/96; 95-04-078, § 296-62-07521, filed 1/30/95, effective 3/2/95; 91-24-017 (Order 91-07), § 296-62-07521, filed 11/22/91, effective 12/24/91; 90-17-051 (Order 90-10), § 296-62-07521, filed 8/13/90, effective 9/24/90; 90-03-029 (Order 89-20), § 296-62-07521, filed 1/11/90, effective 2/26/90; 88-14-108 (Order 88-11), § 296-62-07521, filed 7/6/88. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-62-07521, filed 11/30/83; 82-13-045 (Order 82-22), § 296-62-07521, filed 6/11/82. Formerly WAC 296-62-07349.]

WAC 296-62-07540 Formaldehyde. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC 296-800-370 shall apply.

(c) "Authorized person" means any person required by work duties to be present in regulated work areas, or authorized to do so by the employer, by this section of the standard, or by the WISHA Act.

(d) "Director" means the director of the department of labor and industries, or his/her designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds 0.75 part formaldehyde per million parts of air as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exception. Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multiemployer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) If air-purifying chemical-cartridge respirators are used, the employer must:

(A) Replace the cartridge after three hours of use or at the end of the workshift, whichever occurs first, unless the cartridge contains a NIOSH-certified end-of-service-life indicator (ESLI) to show when breakthrough occurs.

(B) Unless the canister contains a NIOSH-certified ESLI to show when breakthrough occurs, replace canisters used in atmospheres up to 7.5 ppm (10 x PEL) every four hours and industrial-sized canisters used in atmospheres up to 75 ppm (100 x PEL) every two hours, or at the end of the workshift, whichever occurs first.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 7.5 ppm (10 x PEL)	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 75 ppm (100 x PEL) . . .	Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet.
Above 75 ppm or unknown (emergen- cies) (100 x PEL) . . .	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Fire fighting	SCBA with positive-pressure in full facepiece.
Escape	SCBA in demand or pressure demand mode. Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(ii) The employer must provide a powered air-purifying respirator adequate to protect against formaldehyde exposure

to any employee who has difficulty using a negative-pressure respirator.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-800-160. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER
FORMALDEHYDE-CONTAMINATED (CLOTHING) EQUIPMENT
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for

example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eye-wash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first-aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formaldehyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation for the purpose of medical removal or restriction.

(iii) The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after

receipt of the notification of the right to seek a second medical opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-800-170 for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-800-170. The definitions of the chemical hazard communication standard shall apply under this standard.

(i) The following shall be subject to the hazard communication requirements of this section: Formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under reasonably foreseeable concentrations reaching or exceeding 0.1 ppm.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs as required by chapter 296-839 WAC.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-800-170 are affixed to all containers of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde: List the

name and address of the responsible party; and state that physical and health hazard information is readily available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in WAC 296-800-170, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials listed in (a)(i) of this subsection shall comply with the requirements of WAC 296-800-170 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials listed in (a)(i) of this subsection shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multiemployer workplaces shall comply with the requirements of WAC 296-800-170.

(14) Employee information and training.

(a) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

(b) Frequency. Employers shall provide such information and training to employees at the time of their initial assignment and whenever a new exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.

(c) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls;

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency; and

(viii) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-842 WAC.

(d) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his/her designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical

tests required by the standard or mandated by the examining physician.

(d) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years; and

(ii) Medical records shall be kept for the duration of employment plus thirty years.

(e) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his/her designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with chapter 296-802 WAC.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee in accordance with chapter 296-802 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07540, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-07540, filed 4/27/04, effective 8/1/04. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, 02-12-098, § 296-62-07540, filed 6/5/02, effective 8/1/02; 01-11-038, § 296-62-07540, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07540, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW, 94-15-096 (Order 94-07), § 296-62-07540, filed 7/20/94, effective 9/20/94; 92-23-017 (Order 92-13), § 296-62-07540, filed 11/10/92, effective 12/18/92; 91-11-070 (Order 91-01), § 296-62-07540, filed 5/20/91, effective 6/20/91; 90-03-029 (Order 89-20), § 296-62-07540, filed 1/11/90, effective 2/26/90; 88-21-002 (Order 88-23), § 296-62-07540, filed 10/6/88, effective 11/7/88.]

WAC 296-62-07615 Respiratory protection. (1) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls;

(b) Work operations for which the employer establishes that engineering and work-practice controls are not feasible;

(c) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce exposure to or below the PEL;

(d) Emergencies.

(2) Respirator program. The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(3) Respirator selection.

(a) The employer must select, and ensure that employees use, the appropriate respirator from Table 1 of this section.

Table 1.—Respiratory Protection for MDA

Airborne concentration of MDA or condition of use	Respirator type
a. Less than or equal to 10xPEL	(1) Half-mask respirator with HEPA ¹ cartridge ² .

Table 1.—Respiratory Protection for MDA

b. Less than or equal to 50xPEL	(1)	Full facepiece respirator with HEPA ¹ cartridge or canister ² .
c. Less than or equal to 1000xPEL	(1)	Full facepiece powered air-purifying respirator with HEPA ¹ cartridges ² .
d. Greater than 1000xPEL or	(1)	Self-contained breathing unknown concentrations apparatus with full facepiece in positive pressure mode;
	(2)	Full facepiece positive pressure demand supplied-air respirator with auxiliary self-contained air supply.
e. Escape	(1)	Any full facepiece air-purifying respirator with HEPA ¹ cartridges ² ;
	(2)	Any positive pressure or continuous flow self-contained breathing apparatus with full facepiece or hood.
f. Fire fighting	(1)	Full facepiece self-contained breathing apparatus in positive pressure demand mode.

Note: Respirators assigned for higher environmental concentrations may be used at lower concentrations.

¹ High efficiency particulate in air filter (HEPA) means a filter that is at least 99.97 percent efficient against mono-dispersed particles of 0.3 micrometers or larger.

² Combination HEPA/organic vapor cartridges shall be used whenever MDA in liquid form or a process requiring heat is used.

(b) Any employee who cannot use a negative-pressure respirator must be given the option of using a positive-pressure respirator, or a supplied-air respirator operated in the continuous-flow or pressure-demand mode.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-62-07615, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050, 99-10-071, § 296-62-07615, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW, 93-04-111 (Order 92-15), § 296-62-07615, filed 2/3/93, effective 3/15/93.]

WAC 296-62-07722 Employee information and training. (1) Certification.

(a) Only certified asbestos workers may work on an asbestos project as required in WAC 296-65-010 and 296-65-030.

(b) Only certified asbestos supervisors may supervise asbestos abatement projects as required in WAC 296-65-012 and 296-65-030.

(c) In cases where certification requirements of chapter 296-65 WAC do not apply, all employees must be trained according to the provisions of this section regardless of their exposure levels.

(d) Certification is not required for asbestos work on materials containing less than one percent asbestos.

(2) Training must be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(3) Asbestos projects.

(a) Class I work must be considered an asbestos project. Only certified asbestos workers may do this work.

(b) Only certified workers may conduct Class II asbestos work that is considered an asbestos project.

(i) The following Class II asbestos work must be considered asbestos projects:

(A) All Class II asbestos work where critical barriers, equivalent isolation methods, or negative pressure enclosures are required; or

(B) All Class II asbestos work where asbestos containing materials do not stay intact (including removal of vinyl asbestos floor (VAT) or roofing materials by mechanical methods such as chipping, grinding, or sanding).

(ii) The following Class II asbestos work is not considered an asbestos project and is excluded from asbestos worker certification:

(A) All Class II asbestos work involving intact asbestos containing materials (for example, intact roofing materials, bituminous or asphalt pipeline coatings, and intact flooring/decking materials);

(B) All Class II asbestos work of less than one square foot of asbestos containing materials; or

(C) All Class II asbestos work involving asbestos-cement water pipe when the work is done in accordance with training approved by the department through the asbestos certification program (see WAC 296-65-015(4)).

(iii) Asbestos work involving the removal of one square foot or more of intact roofing materials by mechanical sawing or heavy equipment must meet the following requirements:

(A) Only certified asbestos workers may conduct mechanical sawing of intact roofing material;

(B) Noncertified asbestos workers may handle roofing dust, material and debris;

(C) Operators of heavy equipment (such as track hoes with clam shells and excavators) do not need to be certified asbestos workers in the removal or demolition of intact roofing materials.

(c) Only certified asbestos workers may conduct all Class III and Class IV asbestos work that is considered an asbestos project.

(i) The following asbestos work is considered an asbestos project:

(A) All Class III asbestos work where one square foot or more of asbestos containing materials that do not stay intact;

(B) All Class IV asbestos work where one square foot or more of asbestos containing materials that do not stay intact; or

(C) All Class III and Class IV asbestos work with pipe insulation.

(ii) Except for a project involving pipe insulation work, any project involving only Class III or Class IV asbestos work with less than one square foot of asbestos containing materials is not considered an asbestos project.

(4) Training requirements for asbestos work that is not considered an asbestos project or is excluded from asbestos worker certification.

(a) Class II asbestos work.

(i) Employers must provide eight-hours of training to employees who perform asbestos work on one generic category of asbestos containing materials (ACM). When performing asbestos work in more than one category of asbestos containing materials, additional training must be used to supplement the first eight hour training course.

(ii) The training course must include:

- Hands-on training that applies to the category of asbestos containing materials,
- Specific work practices and engineering controls related to the category of asbestos containing materials present as specified in WAC 296-62-07712, and
- All the minimum elements of subsection (5) of this section.

(b) Class III asbestos work (maintenance and custodial work in buildings containing asbestos containing materials).

(i) Employers must provide training with curriculum and training methods equivalent to the 16-hour operations and maintenance course developed by the EPA. (See 40 CFR 763.92 (a)(2).) For those employees whose only affected work is Class II work as described in subsection (4)(a)(i) of this section, employers must meet this 16-hour training requirement or provide training that meets the eight hours Class II requirements in subsection (4)(a) of this section.

(ii) Sixteen hours of training must include:

- Hands-on training in the use of respiratory protection and work practices, and
- All the minimum elements of subsection (5) of this section.

(c) Class IV asbestos work (maintenance and custodial work in buildings containing asbestos-containing materials).

(i) Employers must provide at least two hours of training with curriculum and training methods equivalent to the awareness training course developed by the EPA.

(ii) Training must include:

- Available information concerning the location of PACM, ACM, asbestos-containing flooring materials or flooring materials where the absence of asbestos has not been certified,
- Instruction on how to recognize damaged, deteriorated, and delimitation of asbestos containing building materials, and
- All of the minimum elements of subsection (5) of this section.

(5) The training program must be conducted in a manner which the employee is able to understand. The employer must ensure that each employee is informed of the following:

(a) The health effects associated with asbestos exposure;

(b) The relationship between smoking and exposure to asbestos producing lung cancer;

(c) Methods of recognizing asbestos and quantity, location, manner of use, release (including the requirements of WAC 296-62-07721 (1)(c) and (2)(b) to presume certain building materials contain asbestos), and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(d) The engineering controls and work practices associated with the employee's job assignment;

(e) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures (including where Class III and IV work is performed, the contents "Managing Asbestos In Place" (EPA 20T-2003, July 1990) or its equivalent in content), personal protective equipment to be used, waste disposal procedures, and any

necessary instructions in the use of these controls and procedures;

(f) The purpose, proper use, and limitations of protective clothing;

(g) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(h) The content of this standard, including appendices;

(i) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement;

(j) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels; and

(k) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-842 WAC (see WAC 296-842-11005, 296-842-16005, and 296-842-19005).

(6) The employer must also provide, at no cost to employees who perform housekeeping operations in a facility which contains ACM or PACM, an asbestos awareness training course to all employees who are or will work in areas where ACM and/or PACM is present who work in buildings containing asbestos-containing materials, which must, at a minimum, contain the following elements:

- Health effects of asbestos,
- Locations of ACM and PACM in the building/facility,
- Recognition of ACM and PACM damage and deterioration,
- Requirements in this standard relating to housekeeping, and
- Proper response to fiber release episodes.

Each such employee must be so trained at least once a year.

(7) Access to information and training materials.

(a) The employer must make a copy of this standard and its appendices readily available without cost to all affected employees.

(b) The employer must provide, upon request, all materials relating to the employee information and training program to the director.

(c) The employer must inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer must distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I, WAC 296-62-07751.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-07722, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and 49.26.130. 00-06-075, § 296-62-07722, filed 3/1/00, effective 4/10/00. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. 99-17-026, § 296-62-07722, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-62-07722, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 97-01-079, § 296-62-07722, filed 12/17/96, effective 3/1/97.]

WAC 296-62-14533 Cotton dust. (1) Scope and application.

(a) This section, in its entirety, applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing, engage in slashing and weaving operations, or work in waste houses for textile operations.

(b) This section does not apply to the handling or processing of woven or knitted materials; to maritime operations covered by chapters 296-56 and 296-304 WAC; to harvesting or ginning of cotton; or to the construction industry.

(c) Only subsection (8) Medical surveillance, subsection (11)(b) Medical surveillance, subsection (11)(c) Availability, subsection (11)(d) Transfer of records, and Appendices B, C, and D of this section apply in all work places where employees exposed to cotton dust engage in cottonseed processing or waste processing operations.

(d) This section applies to yarn manufacturing and slashing and weaving operations exclusively using washed cotton (as defined by subsection (14) of this section) only to the extent specified by subsection (14) of this section.

(e) This section, in its entirety, applies to the control of all employees exposure to the cotton dust generated in the preparation of washed cotton from opening until the cotton is thoroughly wetted.

(f) This section does not apply to knitting, classing or warehousing operations except that employers with these operations, if requested by WISHA, shall grant WISHA access to their employees and workplaces for exposure monitoring and medical examinations for purposes of a health study to be performed by WISHA on a sampling basis.

(2) Definitions applicable to this section:

(a) "Blow down" - the cleaning of equipment and surfaces with compressed air.

(b) "Blow off" - the use of compressed air for cleaning of short duration and usually for a specific machine or any portion of a machine.

(c) "Cotton dust" - dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using raw or waste cotton fibers or cotton fiber byproducts from textile mills are considered cotton dust within this definition. Lubricating oil mist associated with weaving operations is not considered cotton dust.

(d) "Director" - the director of labor and industries or his authorized representative.

(e) "Equivalent instrument" - a cotton dust sampling device that meets the vertical elutriator equivalency requirements as described in subsection (4)(a)(iii) of this section.

(f) "Lint-free respirable cotton dust" - particles of cotton dust of approximately 15 microns or less aerodynamic equivalent diameter.

(g) "Vertical elutriator cotton dust sampler" or "vertical elutriator" - a dust sampler which has a particle size cut-off at approximately 15 microns aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters per minute.

(h) "Waste processing" - waste recycling (sorting, blending, cleaning and willowing) and garnetting.

(i) "Yarn manufacturing" - all textile mill operations from opening to, but not including, slashing and weaving.

(3) Permissible exposure limits and action levels.

(a) Permissible exposure limits (PEL).

(i) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing and cotton washing operations is exposed to airborne concentrations of lint-free respirable cotton dust greater than $200 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(ii) The employer shall assure that no employee who is exposed to cotton dust in textile mill waste house operations or is exposed in yarn manufacturing to dust from "lower grade washed cotton" as defined in subsection (14)(e) of this section is exposed to airborne concentrations of lint-free respirable cotton dust greater than $500 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(iii) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than $750 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(b) Action levels.

(i) The action level for yarn manufacturing and cotton washing operations is an airborne concentration of lint-free respirable cotton dust of $100 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(ii) The action level for waste houses for textile operations is an airborne concentration of lint-free respirable cotton dust of $250 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(iii) The action level for the textile processes known as slashing and weaving is an airborne concentration of lint-free respirable cotton dust of $375 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(4) Exposure monitoring and measurement.

(a) General.

(i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or an equivalent instrument.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency by demonstrating that the alternative sampling devices:

(A) It collects respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(B) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and

(C) A minimum of 100 samples over the range of 0.5 to 2 times the permissible exposure limit are collected, and

ninety percent of these samples have an accuracy range of plus or minus twenty-five percent of the vertical elutriator reading with a ninety-five percent confidence level as demonstrated by a statistically valid protocol. (An acceptable protocol for demonstrating equivalency is described in Appendix E of this section.)

(iv) WISHA will issue a written opinion stating that an instrument is equivalent to a vertical elutriator cotton dust sampler if:

(A) A manufacturer or employer requests an opinion in writing and supplies the following information:

(I) Sufficient test data to demonstrate that the instrument meets the requirements specified in this paragraph and the protocol specified in Appendix E of this section;

(II) Any other relevant information about the instrument and its testing requested by WISHA; and

(III) A certification by the manufacturer or employer that the information supplied is accurate, and

(B) If WISHA finds, based on information submitted about the instrument, that the instrument meets the requirements for equivalency specified by this subsection.

(b) Initial monitoring. Each employer who has a place of employment within the scope of subsections (1)(a), (d) or (e) of this section shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(c) Periodic monitoring.

(i) If the initial monitoring required by (4)(b) of this section or any subsequent monitoring reveals employee exposure to be at or below the permissible exposure limit, the employer shall repeat the monitoring for those employees at least annually.

(ii) If the initial monitoring required by (4)(b) of this section or any subsequent monitoring reveals employee exposure to be above the PEL, the employer shall repeat the monitoring for those employees at least every six months.

(iii) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements for those employees affected by the change or increase.

(d) Employee notification.

(i) Within twenty working days after the receipt of monitoring results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in subsection (3) of this section, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(5) Methods of compliance.

(a) Engineering and work practice controls. The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton

dust at or below the permissible exposure limit specified in subsection (3) of this section, except to the extent that the employer can establish that such controls are not feasible.

(b) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to immediately reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of subsection (6) of this section.

(c) Compliance program.

(i) Where the most recent exposure monitoring data indicates that any employee is exposed to cotton dust levels greater than the permissible exposure limit, the employer shall establish and implement a written program sufficient to reduce exposures to or below the permissible exposure limit solely by means of engineering controls and work practices as required by (a) of this subsection.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with subsection (4) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion of the implementation of the compliance program no later than March 27, 1984 or as soon as possible if monitoring after March 27, 1984 reveals exposures over the PEL, except as provided in (13)(b)(ii)(B) of this section.

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or their designated representatives.

(vi) The written programs required under subsection (5)(c) of this section shall be revised and updated at least every six months to reflect the current status of the program and current exposure levels.

(d) Mechanical ventilation. When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at reasonable intervals.

(6) Use of respirators.

(a) General. For employees who are required to use respirators by this section, the employer must provide respirators that comply with the requirements of this section. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering controls and work-practice controls;

(ii) Maintenance and repair activities for which engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits;

(iv) Work operations specified under subsection (7)(a) of this section;

(v) Periods for which an employee requests a respirator.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) Whenever a physician determines that an employee who works in an area in which the cotton-dust concentration exceeds the PEL is unable to use a respirator, including a powered air-purifying respirator, the employee must be given the opportunity to transfer to an available position, or to a position that becomes available later, that has a cotton-dust concentration at or below the PEL. The employer must ensure that such employees retain their current wage rate or other benefits as a result of the transfer.

(c) Respirator selection.

(i) The employer must select the appropriate respirator from Table 1 of this section.

TABLE - 1

Cotton dust concentration	Required respirator
Not greater than—	
(a) 5 x the applicable permissible exposure limit (PEL).	A disposable respirator with a particulate filter.
(b) 10 x the applicable PEL.	A quarter or half-mask respirator, other than a disposable respirator, equipped with particulate filters.
(c) 100 x the applicable PEL.	A full facepiece respirator equipped with high-efficiency particulate filters.
(d) Greater than 100 x the applicable PEL.	A powered air-purifying respirator equipped with high-efficiency particulate filters.

Notes

1. A disposable respirator means the filter element is an inseparable part of the respirator.
2. Any respirators permitted at higher environmental concentrations can be used at lower concentrations.
3. Self-contained breathing apparatus are not required respirators but are permitted respirators.
4. Supplied air respirators are not required but are permitted under the following conditions: Cotton dust concentration not greater than 10X the PEL—Any supplied air respirator; not greater than 100X the PEL—Any supplied air respirator with full facepiece, helmet or hood; greater than 100X the PEL—A supplied air respirator operated in positive pressure mode.

(ii) Whenever respirators are required by this section for cotton-dust concentrations that do not exceed the applicable permissible exposure limit by a multiple of 100 (100 x), the employer must, when requested by an employee, provide a powered air-purifying respirator with a high-efficiency particulate filter instead of the respirator specified in (a), (b), or (c) of Table 1 of this section.

(7) Work practices. Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices which shall minimize cotton dust exposure. The following shall be included where applicable:

(a) Compressed air "blow down" cleaning shall be prohibited, where alternative means are feasible. Where compressed air is used for cleaning, the employees performing the "blow down" or "blow off" shall wear suitable respirators. Employees whose presence is not required to perform "blow down" or "blow off" shall be required to leave the area affected by the "blow down" or "blow off" during this cleaning operation.

(b) Cleaning of clothing or floors with compressed air shall be prohibited.

(c) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(d) In areas where employees are exposed to concentrations of cotton dust greater than the permissible exposure limit, cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(8) Medical surveillance.

(a) General.

(i) Each employer covered by the standard shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall have completed a NIOSH approved training course in spirometry.

(b) Initial examinations. The employer shall provide medical surveillance to each employee who is or may be exposed to cotton dust. For new employees' this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in WAC 296-62-14537; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in one second (FEV₁), the FEV₁/FVC ratio, and the percentage that the measured values of FEV₁ and FVC differ from the predicted values, using the standard tables in WAC 296-62-14539. These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, preceded by at least thirty-five hours of no exposure to cotton dust. The tests shall be repeated during the shift, no less than four hours and no more than ten hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure. Such exposure shall be typical of the employee's usual workplace exposure. The predicted FEV₁ and FVC for

blacks shall be multiplied by 0.85 to adjust for ethnic differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Periodic examinations.

(i) The employer shall provide at least annual medical surveillance for all employees exposed to cotton dust above the action level in yarn manufacturing, slashing and weaving, cotton washing and waste house operations. The employer shall provide medical surveillance at least every two years for all employees exposed to cotton dust at or below the action level, for all employees exposed to cotton dust from washed cotton (except from washed cotton defined in subsection (9)(c) of this section), and for all employees exposed to cotton dust in cottonseed processing and waste processing operations. Periodic medical surveillance shall include at least an update of the medical history, standardized questionnaire (Appendix B-111), Schilling byssinosis grade, and the pulmonary function measurements in (b)(iii) of this subsection.

(ii) Medical surveillance as required in (c)(i) of this subsection shall be provided every six months for all employees in the following categories:

(A) An FEV_1 of greater than eighty percent of the predicted value, but with an FEV_1 decrement of five percent or 200 ml. on a first working day;

(B) An FEV_1 of less than eighty percent of the predicted value; or

(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests have occurred.

(iii) An employee whose FEV_1 is less than sixty percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(e) Physician's written opinion.

(i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests including the FEV_1 , FVC, and FEV_1/FVC ratio;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the

employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(9) Employee education and training.

(a) Training program.

(i) The employer shall provide a training program for all employees exposed to cotton dust and shall assure that each employee is informed of the following:

(A) The acute and long term health hazards associated with exposure to cotton dust;

(B) The names and descriptions of jobs and processes which could result in exposure to cotton dust at or above the PEL.

(C) The measures, including work practices required by subsection (7) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(D) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by subsection (6) of this section and chapter 296-842 WAC (see WAC 296-842-11005, 296-842-16005 and 296-842-19005);

(E) The purpose for and a description of the medical surveillance program required by subsection (8) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(F) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated annually for each employee exposed to cotton dust, when job assignments or work processes change and when employee performance indicates a need for retraining.

(b) Access to training materials.

(i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the director upon request.

(10) Signs. The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING
COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED LUNG INJURY
(BYSSINOSIS)
RESPIRATORS REQUIRED IN THIS AREA

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (4) of this section.

(ii) The record shall include:

(A) A log containing the items listed in WAC 296-62-14535 (4)(a), and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security number, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least twenty years.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (8) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire response, results of all tests, and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(F) A copy of the information provided to the physician as required by subsection (8)(d) of this section.

(iii) The employer shall maintain this record for at least twenty years.

(c) Availability.

(i) The employer shall make all records required to be maintained by subsection (11) of this section available to the director for examination and copying.

(ii) Employee exposure measurement records and employee medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with chapter 296-802 WAC.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (11) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in chapter 296-802 WAC.

(12) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to subsection (4) of this section.

(b) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(c) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) An opportunity to record the results obtained.

(13) Washed cotton.

(a) Exemptions. Cotton, after it has been washed by the processes described in this section is exempt from all or parts of this section as specified if the requirements of this section are met.

(b) Initial requirements.

(i) In order for an employer to qualify as exempt or partially exempt from this standard for operations using washed cotton, the employer must demonstrate that the cotton was washed in a facility which is open to inspection by the director and the employer must provide sufficient accurate documentary evidence to demonstrate that the washing methods utilized meet the requirements of this section.

(ii) An employer who handles or processes cotton which has been washed in a facility not under the employer's control and claims an exemption or partial exemption under this paragraph, must obtain from the cotton washer and make available at the worksite, to the director, or his designated representative, to any affected employee, or to their designated representative the following:

(A) A certification by the washer of the cotton of the grade of cotton, the type of washing process, and that the batch meets the requirements of this section:

(B) Sufficient accurate documentation by the washer of the cotton grades and washing process; and

(C) An authorization by the washer that the director may inspect the washer's washing facilities and documentation of the process.

(c) Medical and dyed cotton. Medical grade (USP) cotton, cotton that has been scoured, bleached and dyed, and mercerized yarn shall be exempt from all provisions of this standard.

(d) Higher grade washed cotton. The handling or processing of cotton classed as "low middling light spotted or better" (color grade 52 or better and leaf grade code 5 or better according to the 1993 USDA classification system) shall be exempt from all provisions of the standard except requirements of subsection (8) of this section, medical surveillance; subsection (11)(b) through (d) of this section, recordkeeping-

medical records, and Appendices B, C, and D of this section, if they have been washed on one of the following systems:

(i) On a continuous batt system or a rayon rinse system including the following conditions:

- (A) With water;
- (B) At a temperature of no less than 60°C;
- (C) With a water-to-fiber ratio of no less than 40:1; and
- (D) With the bacterial levels in the wash water controlled to limit bacterial contamination of the cotton.

(ii) On a batch kier washing system including the following conditions:

- (A) With water;
- (B) With cotton fiber mechanically opened and thoroughly prewetted before forming the cake;
- (C) For low-temperature processing, at a temperature of no less than 60°C with a water-to-fiber ratio of no less than 40:1; or, for high-temperature processing, at a temperature of no less than 93°C with a water-to-fiber ratio of no less than 15:1;

(D) With a minimum of one wash cycle followed by two rinse cycles for each batch, using fresh water in each cycle; and

(E) With bacterial levels in the wash water controlled to limit bacterial contamination of the cotton.

(e) Lower grade washed cotton. The handling and processing of cotton of grades lower than "low middling light spotted," that has been washed as specified in (d) of this subsection and has also been bleached, shall be exempt from all provisions of the standard except the requirements of subsection (3)(a) Permissible exposure limits, subsection (4) Exposure monitoring and measurement, subsection (8) Medical surveillance, subsection (11) Recordkeeping, and Appendices B, C and D of this section.

(f) Mixed grades of washed cotton. If more than one grade of washed cotton is being handled or processed together, the requirements of the grade with the most stringent exposure limit, medical and monitoring requirements shall be followed.

(14) Appendices.

(a) Appendix B (B-I, B-II and B-III), WAC 296-62-14537, Appendix C, WAC 296-62-14539 and Appendix D, WAC 296-62-14541 are incorporated as part of this chapter and the contents of these appendices are mandatory.

(b) Appendix A of this chapter, WAC 296-62-14535 contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

(c) Appendix E of this chapter is a protocol which may be followed in the validation of alternative measuring devices as equivalent to the vertical elutriator cotton dust sampler. Other protocols may be used if it is demonstrated that they are statistically valid, meet the requirements in subsection (4)(a)(iii) of this section, and are appropriate for demonstrating equivalency.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-14533, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-62-14533, filed 4/27/04, effective 8/1/04. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-19-065, § 296-62-14533, filed 9/18/01, effective 11/1/01; 99-10-071, § 296-62-14533, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 87-24-051 (Order 87-24), § 296-62-14533, filed 11/30/87. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-16-009 (Order 86-28), § 296-62-14533, filed 7/25/86; 82-

03-023 (Order 82-1), § 296-62-14533, filed 1/15/82. Statutory Authority: 49.17.040, 49.17.050, and 49.17.240. 81-16-015 (Order 81-20), § 296-62-14533, filed 7/27/81. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-62-14533, filed 11/13/80.]

WAC 296-62-20011 Respiratory protection. (1) General.

For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this section. Compliance with the permissible exposure limit may not be achieved by the use of respirators except during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls;

(b) Work operations, such as maintenance and repair activity, for which engineering and work-practice controls are technologically not feasible;

(c) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limit;

(d) Emergencies.

(2) Respirator program. The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(3) Respirator selection. The employer must select appropriate respirators or combination of respirators from Table I of this section.

TABLE I
RESPIRATORY PROTECTION FOR COKE
OVEN EMISSIONS

Airborne concentration of coke oven emissions	Required respirator
(i) Any concentration.	(A) A Type C supplied air respirator operated in pressure demand or other positive pressure or continuous flow mode; or (B) A powered air-purifying particulate filter respirator for dust, mist, and fume; or (C) A powered air-purifying particulate filter respirator combination chemical cartridge and particulate filter respirator for coke oven emissions.
(ii) Concentrations not greater than 1500 µg/m³.	(A) Any particulate filter respirator for dust, mist and fume, except single-use respirator; or (B) Any particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions; or (C) Any respirator listed in subsection (2)(a)(i) of this section.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-20011, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-62-20011, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-16-009 (Order 86-28), § 296-62-20011, filed 7/25/86. Statu-

tory Authority: 49.17.040, 49.17.050, and 49.17.240. 81-16-015 (Order 81-20), § 296-62-20011, filed 7/27/81; Order 77-14, § 296-62-20011, filed 7/25/77.]

WAC 296-62-20019 Employee information and training. (1) Training program.

(a) The employer shall institute a training program for employees who are employed in the regulated area and shall assure their participation.

(b) The training program shall be provided as of January 20, 1977, for employees who are employed in the regulated area at that time or at the time of initial assignment to a regulated area.

(c) The training program shall be provided at least annually for all employees who are employed in the regulated area, except that training regarding the occupational safety and health hazards associated with exposure to coke oven emissions and the purpose, proper use, and limitations of respiratory protective devices shall be provided at least quarterly until January 20, 1978.

(d) The training program shall include informing each employee of:

(i) The information contained in the substance information sheet for coke oven emissions (Appendix A);

(ii) The purpose, proper use, and limitations of respiratory protective devices in addition to other information as required by chapter 296-842 WAC (see WAC 296-842-11005, 296-842-16005, and 296-842-19005).

(iii) The purpose for and a description of the medical surveillance program required by WAC 296-62-20017 including information on the occupational safety and health hazards associated with exposure to coke oven emissions;

(iv) A review of all written procedures and schedules required under WAC 296-62-20009; and

(v) A review of this standard.

(2) Access to training materials.

(a) The employer shall make a copy of this standard and its appendixes readily available to all employees who are employed in the regulated area.

(b) The employer shall provide all materials relating to the employee information and training program to the director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-20019, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-62-20019, filed 5/4/99, effective 9/1/99; Order 77-14, § 296-62-20019, filed 7/25/77.]

WAC 296-62-40001 Scope and application. (1) This section shall apply to all employers and employees engaged in the laboratory use of hazardous chemicals as follows:

(a) Where this section applies, it shall supersede, for laboratories, the requirements of all other WISHA health standards in chapters 296-62 and 296-841 WAC, except for any WISHA health standard, only the requirement to limit employee exposure to the specific permissible exposure limit shall apply for laboratories, unless that particular standard states otherwise or unless the conditions of subdivision (c) of this section apply.

(b) Prohibition of eye and skin contact where specified by any WISHA health standard shall be observed.

(c) Where the action level (or in the absence of an action level, the permissible exposure limit) is routinely exceeded

for a WISHA regulated substance with exposure monitoring and medical surveillance requirements, of WAC 296-62-40007.

(2) This section shall not apply to:

(a) Uses of hazardous chemicals which do not meet the definition of laboratory use, and in such cases, the employer shall comply with the relevant standard in WAC 296-62-075, even if such use occurs in a laboratory.

(b) Laboratory uses of hazardous chemicals which provide no potential for employee exposure. Examples of such conditions might include:

(i) Procedures using chemically-impregnated test media such as Dip-and-Read tests where a reagent strip is dipped into the specimen to be tested and the results are interpreted by comparing the color reaction to a color chart supplied by the manufacturer of the test strip; and

(ii) Commercially prepared kits such as those used in performing pregnancy tests in which all of the reagents needed to conduct the test are contained in the kit.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-40001, filed 1/18/05, effective 3/1/05. Statutory Authority: Chapter 49.17 RCW. 90-17-051 (Order 90-10), § 296-62-40001, filed 8/13/90, effective 9/24/90.]

WAC 296-62-40007 Employee exposure determination. (1) Initial monitoring. The employer shall measure the employee's exposure to any substance regulated by a standard which requires monitoring if there is reason to believe that exposure levels for that substance routinely exceed the action level (or in the absence of an action level, the PEL).

(2) Periodic monitoring. If the initial monitoring prescribed by subsection (1) of this section discloses employee exposure over the action level (or in the absence of an action level, the PEL), the employer shall immediately comply with the exposure monitoring provisions of chapters 296-62 and 296-841 WAC.

(3) Termination of monitoring. Monitoring may be terminated in accordance with chapters 296-62 and 296-841 WAC.

(4) Employee notification of monitoring results. The employer shall, within 15 working days after the receipt of any monitoring results, notify the employee of these results in writing either individually or by posting results in an appropriate location that is accessible to employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-62-40007, filed 1/18/05, effective 3/1/05. Statutory Authority: Chapter 49.17 RCW. 90-17-051 (Order 90-10), § 296-62-40007, filed 8/13/90, effective 9/24/90.]

Chapter 296-78 WAC

SAFETY STANDARDS FOR SAWMILLS AND WOODWORKING OPERATIONS

WAC

296-78-665	Sanding machines.
296-78-71011	Egress and exit.
296-78-71015	Tanks and chemicals.
296-78-71019	Exhaust systems.
296-78-84005	Dry kilns.

WAC 296-78-665 Sanding machines. (1) Each belt sanding machine shall have both pulleys enclosed in such a manner as to guard the points where the belt runs onto the

pulleys. The edges of the unused run of belt shall be enclosed or otherwise guarded from contact by employees.

(2) Each drum sanding machine shall be provided with a guard so arranged as to completely enclose the revolving drum except such portion required for the application of the material to be finished. Guards with hinges to facilitate the insertion of sandpaper may be installed. The exhaust hood may form part or all of this guard. When so used, the hood shall conform to the specifications as given under exhaust systems in WAC 296-78-710.

(3) All standard stationary sanding machines shall be provided with exhaust systems in conformity with the section of this code dealing with exhaust systems.

(4) All portable sanding machines shall be provided with means of removing excessive dust, or employees using equipment shall be provided with such necessary respiratory protective equipment as will conform to the requirements of chapter 296-842 WAC, Respirators.

(5) The requirements of WAC 296-806-475, sanding machines, shall be applicable to sanding machines.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-78-665, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-78-665, filed 1/18/05, effective 3/1/05; 04-14-028, § 296-78-665, filed 6/29/04, effective 1/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-78-665, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 96-17-056, § 296-78-665, filed 8/20/96, effective 10/15/96. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-665, filed 8/27/81.]

WAC 296-78-71011 Egress and exit. (1) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of WAC 296-800-310.

(2) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(3) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(4) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be marked and kept free of obstructions at all times.

(c) Fire protection. The requirements of chapter 296-24 WAC, Part G-3 of the general safety and health standard, and WAC 296-800-300 of the safety and health core rules, and chapter 296-811 WAC, Fire brigades, shall be complied with in providing the necessary fire protection for sawmills.

(d) Fire drills shall be held at least quarterly and shall be documented.

(5) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be

placed to prevent workers from stepping directly into moving traffic.

(6) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(7) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(8) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walkways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(9) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(10) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-78-71011, filed 12/20/05, effective 3/1/06; 03-06-076, § 296-78-71011, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-78-71011, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-71011, filed 8/27/81.]

WAC 296-78-71015 Tanks and chemicals. (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in chapter 296-62 WAC, Part H, and chapter 296-841 WAC, Respiratory hazard.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by WAC 296-800-160, and chapter 296-842 WAC, Respirators.

(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of chapter 296-835 WAC, Dipping and coating operations (dip tanks). The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-800-220 and 296-800-230 (safety and health core rules), shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor

level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(10) Covers shall be removed only from that portion of the steaming vats on which workers are working and a portable railing shall be placed at this point to protect the operators.

(11) Workers shall not ride or step on logs in steam vats.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-20-055, § 296-78-71015, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-78-71015, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050, 02-15-102, § 296-78-71015, filed 7/17/02, effective 10/1/02; 01-11-038, § 296-78-71015, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW, 96-17-056, § 296-78-71015, filed 8/20/96, effective 10/15/96; 94-20-057 (Order 94-16), § 296-78-71015, filed 9/30/94, effective 11/20/94. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240, 81-18-029 (Order 81-21), § 296-78-71015, filed 8/27/81.]

WAC 296-78-71019 Exhaust systems. (1) Air requirements in buildings, where persons are habitually employed, shall meet the requirements of the general occupational health standard, WAC 296-62-100 through 296-62-11013.

(2) Where the natural ventilation is not sufficient to remove dust, fumes or vapors that create or constitute a hazard, additional means of removal shall be provided.

(3) All mills containing one or more machines whose operations create dust, shavings, chips or slivers during a period of time equal to or greater than one-fourth of the working day or shift, shall be equipped with a collecting system either continuous or automatic in action and of sufficient strength and capacity to thoroughly remove such refuse from the points of operation of the machines and the work areas.

(4) Each woodworking machine that creates dust, shavings, chips, or slivers shall be equipped with an exhaust or conveyor system located and adjusted to remove the maximum amount of refuse from the point of operation and immediate vicinity.

(5) Blower, collecting and exhaust systems shall be designed, constructed and maintained in accordance with American National Standards Z33.1 - 1961 (for the installation of blower and exhaust systems for dust, stock and vapor removal or conveying) and Z12.2 - 1962 (R1969) (code for the prevention of dust explosions in woodworking and wood flour manufacturing plants).

(6) Fans used for ventilating shall be of ample capacity, as evidenced by the performance schedules of the manufacturers, and shall be guarded when exposed to contact. Hoods, dust conveyors, dust collectors and other accessory equipment shall be large enough to insure free intake and discharge.

(7) The outlet or discharge of all ventilating equipment shall be so arranged that at no time will the dust, vapors, gases or other air borne impurities discharged, create or constitute a hazard.

(8) Where a hood is used to form a part or all of the guard required on a given machine, it shall be constructed of not less than ten U.S. gauge sheet metal, or if of cast iron it shall be not less than three-sixteenths inches in thickness.

(9) All exhaust pipes shall be of such construction and internal dimensions as to minimize the possibility of clogging. They shall be readily accessible for cleaning.

(10) All exhaust pipes shall empty into settling or dust chambers which shall effectively prevent the dust or refuse from entering any work area. Such settling or dust chambers shall be so designed and operated as to reduce to a minimum the danger of fire or dust explosions.

(11) In lieu of a general ventilating system, exhaust or blower units may be installed on the dust or fume producing machine, provided the required protection is secured thereby.

(12) When proper ventilation is not provided, and temporary hazardous conditions are therefore encountered, the employer shall furnish approved respiratory and visual equipment: Provided, however, That the exposure to such hazard shall not be for more than two hours duration. Protective measures and equipment shall meet the requirements of the general occupational health standard, chapter 296-842 WAC.

(13) Provisions for the daily removal of refuse shall be made in all operations not required to have an exhaust system, or having refuse too heavy, or bulky, or otherwise unsuitable to be handled by an exhaust system.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-78-71019, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-78-71019, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-78-71019, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-71019, filed 8/27/81.]

WAC 296-78-84005 Dry kilns. (1) Transfer, kiln and dolly tracks shall be properly maintained at all times and shall have a grade of not more than one and one-fourth percent. Bumpers or stops shall be installed at the ends of all tracks capable of stopping a normal load for which the track is installed. A means shall be provided for chocking or blocking cars.

(2) Doors.

(a) Main kiln doors. Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(b) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(c) Means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(3) Kilns whose operation requires inside inspection shall be maintained with not less than eighteen inches clearance between loaded cars and the walls of the kiln. The requirements for personal protective equipment specified in WAC 296-800-160, safety and health core rules, and chapter 296-842 WAC, Respirators, shall be complied with.

(4) Kiln loads shall be equipped or arranged for easy attachment and detachment of transfer cables. Means for stopping kiln cars shall be available at all times.

(5) Cars shall not be moved until tracks are clear and workers are out of the sight of transfer lines.

(6) When kiln or dolly loads of lumber are permitted to coast through or adjacent to any work area, audible warning shall be given.

(7) Stickers shall not be allowed to protrude more than two inches from the sides of kiln stacks.

(8) Yards and storage areas shall be kept reasonably free of debris and unnecessary obstruction. Warning signs shall be conspicuously posted wherever there is danger from moving vehicles or equipment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-78-84005, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-78-84005, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-78-84005, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 96-17-056, § 296-78-84005, filed 8/20/96, effective 10/15/96; 94-20-057 (Order 94-16), § 296-78-84005, filed 9/30/94, effective 11/20/94. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-84005, filed 8/27/81.]

Chapter 296-79 WAC

SAFETY STANDARDS FOR PULP, PAPER, AND PAPERBOARD MILLS AND CONVERTERS

WAC

296-79-040 Fire protection, ignition sources and means of egress.
296-79-29007 Bleach plant.

WAC 296-79-040 Fire protection, ignition sources and means of egress. For fire protection, ignition source, and means of egress requirements see chapter 296-24 WAC, Parts G-1 and G-3, WAC 296-800-300 of the safety and health core rules, and chapter 296-811 WAC, Fire brigades.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-79-040, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-79-040, filed 5/9/01, effective 9/1/01; 99-16-083, § 296-79-040, filed 8/3/99, effective 11/3/99; Order 74-24, § 296-79-040, filed 5/6/74; Order 70-6, § 296-79-040, filed 7/10/70, effective 8/10/70.]

WAC 296-79-29007 Bleach plant. (1) Work areas used for preparation and processing of bleaching mixtures must be equipped with properly designed exhaust ventilation systems capable of clearing the area of toxic gases. See chapters 296-62 and 296-841 WAC.

(2) Bleaching containers, such as cells, towers, etc., except the Bellmer type, must be completely covered on the top, with the exception of one small opening large enough to allow filling but too small to admit a person.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-79-29007, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-79-29007, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-16-083, § 296-79-29007, filed 8/3/99, effective 11/3/99; Order 74-24, § 296-79-29007, filed 5/6/74.]

Chapter 296-96 WAC

SAFETY REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

(Formerly chapters 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC)

WAC

296-96-00922 What are the fees associated with licensing?
296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated?
296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated?
296-96-01027 Are initial installation permit fees refundable?

296-96-01030	What is the process for installation and alteration plan approval?
296-96-01035	Are there inspection fees?
296-96-01040	What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel, tools, and materials only?
296-96-01045	What are the inspection requirements and fees for conveyances in private residences?
296-96-01050	How do I get a supplemental inspection?
296-96-01055	Are technical services available and what is the fee?
296-96-01060	Can I request an after hours inspection and what is the fee?
296-96-01065	What are the annual operating permits fees?
296-96-01070	What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter?

WAC 296-96-00922 What are the fees associated with licensing? The following are the department's elevator license fees:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	\$51.50
Elevator contractor/mechanic examination fee	Per application	\$154.50
Reciprocity application fee*	Per application	\$51.50
Elevator mechanic license	2 years	\$103.00
Elevator contractor license	2 years	\$103.00
Temporary elevator mechanic license	30 days	\$25.70
Elevator mechanic/contractor timely renewal fee**	2 years	\$103.00
Elevator mechanic/contractor late renewal fee***	2 years	\$206.00
Training provider application/renewal fee	2 years	\$103.00
Continuing education course fee by approved training provider****	1 year	Not applicable
Replacement of any licenses		\$15.40
Refund processing fee		\$30.90

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity agreement.

** Renewals will be considered "timely" when the renewal application is received on or prior to the expiration date of the license.

*** Late renewal is for renewal applications received no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

**** This fee is paid directly to the continuing education training course provider approved by the department.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-00922, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. 04-12-047, § 296-96-00922, filed 5/28/04, effective 6/30/04.]

WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated? Installation permit fees are based on the total cost of the conveyance and the labor to install the conveyance. The following permit fees apply to the construction or relocation of all conveyances and material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$0 to and including \$1,000	\$51.50
\$1,001 to and including \$5,000	77.20
\$5,001 to and including \$7,000	128.70
\$7,001 to and including \$10,000	154.50
\$10,001 to and including \$15,000	206.00
OVER \$15,000	288.40 plus
Each additional \$1,000 or fraction thereof	7.20

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01010, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. 04-12-047, § 296-96-01010, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01010, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01010, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01010, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated? Permit fees are based on the total cost of the equipment, materials and labor to perform the alteration. The following permit fees apply to the alteration of all conveyances and material lifts:

TOTAL COST OF ALTERATION	FEE
\$0 to and including \$1,000	\$51.50
\$1,001 to and including \$5,000	77.20
\$5,001 to and including \$7,000	128.70
\$7,001 to and including \$10,000	154.50
\$10,001 to and including \$15,000	206.00
OVER \$15,000	206.00
Each additional \$1,000 or fraction thereof	\$ 7.20

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01012, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01012, filed 5/28/02, effective 6/28/02.]

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable if the installation work has not been performed minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is \$30.90

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01027, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. 04-12-047, § 296-96-01027, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01027, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01027, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01027, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME), the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration. \$25.70
If more than two sets of plans are submitted, the fee for each additional set \$10.30

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01030, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01030, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01030, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01030, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01030, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01035 Are there inspection fees? Yes. The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the initial installation of the conveyance you will be issued a temporary operating permit that is valid for 30 days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$103.00 per conveyance plus \$50.00 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$103.00 plus \$51.50 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$154.50 per conveyance plus \$51.50 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is \$51.50 per conveyance. The individual requesting the variance must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is \$25.70.

Note: You must provide the department with written approval from the building official, indicating that the conveyance is not required for building occupancy, when you apply to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$51.50. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$103.00 per conveyance and \$51.50 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01035, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. 04-12-047, § 296-96-01035, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01035, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01035, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW

70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01035, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel, tools, and materials only? (1) The fee for the inspecting and testing of regular elevators used as temporary elevators is \$82.40, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted in the elevator.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01040, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01040, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01040, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01040, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$24.10
Each inclined wheel chair lift in a private residence	24.10
Each vertical wheel chair lift in a private residence	30.40
Each dumbwaiter in a private residence.	24.10
Each inclined elevator at a private residence	85.70
Each private residence elevator	55.20
Duplication of a lost, damaged or stolen operating permit	10.30

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01045, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070,

18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01045, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01045, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01045, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of \$61.80 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01050, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01050, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01050, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01050, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01050, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of \$61.80 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01055, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01055, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01055, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01055, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01055, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01060 Can I request an after hours inspection and what is the fee? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is

authorized by the department. The minimum fee for an after-hours inspection is \$77.20 and \$77.20 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01060, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01060, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01060, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01060, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01065 What are the annual operating permits fees? An annual operating permit will be issued to you upon payment of the appropriate fee:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$103.00
Each roped-hydraulic elevator	128.70
plus for each hoistway opening in excess of two	10.30
Each cable elevator	128.70
plus for each hoistway opening in excess of two	10.30
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	10.30
Each limited-use/limited-application (—LULA) elevator	103.00
Each escalator	85.60
Each dumbwaiter in other than a private residence	55.20
Each material lift	103.00
Each incline elevator in other than a private residence	110.70
Each belt manlift	103.00
Each stair lift in other than a private residence	55.20
Each wheel chair lift in other than a private residence	55.20
Each personnel hoist	103.00
Each grain elevator personnel lift	85.60
Each material hoist	103.00
Each special purpose elevator	103.00
Each private residence elevator installed in other than a private residence	103.00
Each casket lift	85.60
Each sidewalk freight elevator	85.60
Each hand-powered manlift or freight elevator	58.00
Each boat launching elevator	85.60
Each auto parking elevator	85.60
Each moving walk	85.60
Duplication of a damaged, lost or stolen operating permit	10.30

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01065, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070,

18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01065, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01065, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01065, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01070 What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter? (1) Any licensee, installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or this chapter shall be subject to the following civil penalties:

- (a) Operation of a conveyance without a permit:
 - First violation \$154.50
 - Second violation 309.00
 - Each additional violation 515.10
- (b) Installation of a conveyance without a permit:
 - First violation \$154.50
 - Second violation 309.00
 - Each additional violation 515.10
- (c) Relocation of a conveyance without a permit:
 - First violation \$154.50
 - Second violation 309.00
 - Each additional violation 515.10
- (d) Alteration of a conveyance without a permit:
 - First violation \$154.50
 - Second violation 309.00
 - Each additional violation 515.10
- (e) (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit or operation of a decommissioned elevator \$515.10
 - (ii) Removal of a red tag from a conveyance \$515.10
- (f) Failure to comply with a correction notice:
 - Within 90 days \$103.00
 - Between 91 and 180 days 257.50
 - Between 181 and 270 days 412.10
 - Between 271 and 360 days 515.10
 - Each 30 days after 360 days 515.10
 - Note: Penalties cumulate
- (g) Failure to submit official written notification that all corrections have been completed:
 - Within 90 days \$103.00
 - Between 91 and 180 days 257.50
 - Between 181 and 270 days 412.10
 - Between 271 and 360 days 515.10
 - Each 30 days after 360 days 515.10
 - Note: Penalties cumulate

- (h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$515.10 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$515.10 penalty per day.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department must serve notice by certified mail to an installer, licensee, owner, or operator for a violation of chapter 70.87 RCW, or this chapter.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-96-01070, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. 04-12-047, § 296-96-01070, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01070, filed 12/22/00, effective 1/22/01.]

Chapter 296-104 WAC

BOARD OF BOILER RULES—SUBSTANTIVE

WAC

296-104-018	Administration—How are rules interpreted and revised?
296-104-102	Inspection—What are the standards for in-service inspection?
296-104-200	Construction—What are the standards for new construction?
296-104-210	Construction—What are the requirements for construction of boilers and unfired pressure vessels of special design?
296-104-220	Construction—What are the requirements to use non-standard second hand boilers and unfired pressure vessels?
296-104-302	Installation—What control and limit devices are required on automatically fired boilers after December 1998?
296-104-700	What are the inspection fees—Examination fees—Certificate fees—Expenses?
296-104-701	What are the civil penalties?

WAC 296-104-018 Administration—How are rules interpreted and revised? Stakeholders may request clarifications and interpretations of these rules by contacting the chief inspector. Interpretations will be brought to the board if the inquirer is aggrieved by the interpretation of the chief inspector (RCW 70.79.360). The board will consider written requests for interpretations and revisions to these definitions, rules, and regulations. Inquiries shall be limited to requests for interpretation of the rules or to proposed revisions to the existing rules and shall be submitted to the department of labor and industries forty-five days prior to the board of boiler rules meeting date in the following format:

- (1) Scope. Identify a single rule or closely related rules that are in dispute.
- (2) Background. State the purpose of the inquiry, which should be either to obtain an interpretation or to propose a

revision to existing rules. Provide concise information needed for the board's understanding of the inquiry, including references to the WAC section as well as other code and/or standards paragraphs.

(3) Inquiry structure. Provide statements in a condensed and precise question format and, where appropriate, compose in such a way that "yes" or "no" (perhaps with provisos) would be an acceptable reply.

(4) Proposed reply. State what it is believed the rule requires. If in the inquirer's opinion a revision to the definitions, rules, and regulations is needed, recommended wording should be provided.

Inquiries shall be submitted by mail to:

Board of Boiler Rules
% Chief Inspector
Department of Labor & Industries
Boiler Section
P.O. Box 44410
Olympia, WA 98504-4410

or

Inquiries shall be submitted by delivery to:

Board of Boiler Rules
% Chief Inspector
Department of Labor & Industries
Boiler Section
7273 Linderson Way SW
Tumwater, WA 98501

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-018, filed 11/1/05, effective 1/1/06. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-018, filed 10/26/99, effective 11/26/99. Statutory Authority: RCW 70.79.040. 92-11-070, § 296-104-018, filed 5/20/92, effective 6/20/92.]

WAC 296-104-102 Inspection—What are the standards for in-service inspection? Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail.

(1) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), 2004 edition, with addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(2) The standard for inspection of historical steam boilers of riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix "C" of the National Board Inspection Code as referenced in subsection (1) of this section.

(3) The standard for inspection of nuclear items is ASME section XI. The applicable ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, eighth edition, with addenda. This code may be used on or after the date of issue.

(5) TAPPI TIP 0402-16, dated 2001 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-102, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. 04-21-069, § 296-104-102, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 01-24-061, § 296-104-102, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-102, filed 10/26/99, effective 11/26/99; 98-22-024, § 296-104-102, filed 10/28/98, effective 11/28/98; 96-21-081, § 296-104-102, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-102, filed 10/5/94, effective 11/5/94.]

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are:

- (1) ASME Boiler and Pressure Vessel Code, 2004 edition, with addenda Sections I, III, IV, VIII, Division 1, 2, 3, X, XII;
- (2) ASME PVHO-1 2002-2003 Safety Standard for Pressure Vessels for Human Occupancy; and
- (3) ASME CSD-1 2002 edition with addenda (as referenced in WAC 296-104-302); and
- (4) NFPA 85 Boiler and Combustion Systems Hazards Code 2004 edition (for use with boilers with fuel input ratings of 12, 500,000 BTU/hr) or greater; and
- (5) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). ASME Code Cases may be approved for use when accepted by the chief inspector. The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-200, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. 04-21-069, § 296-104-200, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 02-23-036, § 296-104-200, filed 11/13/02, effective 12/14/02; 01-24-061, § 296-104-200, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-200, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-200, filed 10/28/98, effective 11/28/98; 97-20-109, § 296-104-200, filed 9/30/97, effective 10/31/97; 96-21-081, § 296-104-200, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040. 93-12-014, § 296-104-200, filed 5/21/93, effective 6/21/93; 92-11-070, § 296-104-200, filed 5/20/92, effective 6/20/92; 91-11-107, § 296-104-200, filed 5/22/91, effective 6/22/91; 90-04-009, § 296-104-200, filed 1/26/90, effective 2/26/90. Statutory Authority: RCW 70.79.040 and 70.79.050. 86-01-088 (Order 85-26), § 296-104-200, filed 12/19/85. Statutory Authority: RCW 70.79.030 and 70.79.330. 84-11-016 (Order 84-09), § 296-104-200, filed 5/10/84; 82-24-025 (Order 82-36), § 296-104-200, filed 11/23/82, effective 1/1/83. Statutory Authority: RCW 70.79.030. 82-05-003 (Order 82-2), § 296-104-200, filed 2/4/82; 81-12-012 (Order 81-10), § 296-104-200, filed 5/28/81; 81-01-114 (Order 80-28), § 296-104-200, filed 12/24/80; 80-05-065 (Order 80-7), § 296-104-200, filed 4/23/80; 79-05-054 (Order 79-7), § 296-104-200, filed

4/30/79; 78-10-096 (Order 78-19), § 296-104-200, filed 10/3/78; Order 77-23, § 296-104-200, filed 11/8/77; Order 77-9, § 296-104-200, filed 5/26/77; Order 75-35, § 296-104-200, filed 10/29/75; Order 74-37, § 296-104-200, filed 11/8/74; Order 73-1, § 296-104-200, filed 3/22/73; Order 72-17, § 296-104-200, filed 9/28/72; Order 72-11, § 296-104-200, filed 7/7/72; Part IV, § 1, filed 3/23/60.]

WAC 296-104-210 Construction—What are the requirements for construction of boilers and unfired pressure vessels of special design? Boilers and unfired pressure vessels of special design require a special certificate granted by the board of boiler rules. At a minimum the following information shall be supplied to obtain board approval for special designs: Construction drawings, design calculations, material specifications, and a Washington state professional engineer's evaluation of the design. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-210, filed 11/1/05, effective 1/1/06. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-210, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 96-21-081, § 296-104-210, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040 and 70.79.050. 86-07-064 (Order 86-02), § 296-104-210, filed 3/19/86; Order 73-1, § 296-104-210, filed 3/22/73; Part IV, § 3, filed 3/23/60.]

WAC 296-104-220 Construction—What are the requirements to use nonstandard second hand boilers and unfired pressure vessels? Nonstandard second hand boilers and unfired pressure vessels constructed after January 1, 1952, cannot be used in this state without prior approval of the board of boiler rules. At a minimum the following information shall be supplied to obtain board approvals: Construction drawings, photographs, operating and inspection history, design calculations, and a Washington state professional engineer's evaluation of the design and present condition. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-220, filed 11/1/05, effective 1/1/06. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-220, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 96-21-081, § 296-104-220, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.240. 88-01-064 (Order 87-25), § 296-104-220, filed 12/17/87; Part IV, § 5, filed 3/23/60.]

WAC 296-104-302 Installation—What control and limit devices are required on automatically fired boilers after December 1998? In addition to those requirements listed in WAC 296-104-301, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

- (1) All boilers installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(2) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be completed and signed by an authorized representative of the manufacturer and/or the installing contractor.

(3) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-302, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. 04-21-069, § 296-104-302, filed 10/19/04, effective 1/1/05.]

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:		
Cast iron—All sizes	Internal	External
All other boilers less than 500 sq. ft.	\$31.20	\$24.90
500 sq. ft. to 2500 sq. ft.	\$37.60	\$24.90
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$62.00	\$31.20
Power boilers:		
Less than 100 sq. ft.	Internal	External
100 sq. ft. to less than 500 sq. ft.	\$31.20	\$24.90
500 sq. ft. to 2500 sq. ft.	\$37.60	\$24.90
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$62.00	\$31.20
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		\$24.90
All other pressure vessels:		\$12.30
Square feet shall be determined by multiplying the length of the shell by its diameter.		
Less than 15 sq. ft.	Internal	External
15 sq. ft. to less than 50 sq. ft.	\$24.90	\$18.60
50 sq. ft. to 100 sq. ft.	\$37.00	\$18.60
For each additional 100 sq. ft. or any portion thereof	\$43.00	\$24.90
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$18.60 per object.	\$43.00	\$12.30
Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee)		\$50.00
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		\$37.60

For each hour or part of an hour in excess of 8 hours \$56.20
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	\$56.20
For each hour or part of an hour in excess of 8 hours	\$88.20
Nonnuclear triennial shop survey and audit:	
When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	\$37.60
For each hour or part of an hour in excess of 8 hours	\$56.20
When insurance company is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	\$56.20
For each hour or part of an hour in excess of 8 hours	\$87.70

Examination fee: A fee of \$69.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 along with an annual work card fee of \$15.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$348.20 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-12-028, § 296-104-700, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 70.79 RCW. 04-21-069, § 296-104-700, filed 10/19/04, effective 1/1/05; 04-13-044, § 296-104-700, filed 6/10/04, effective 6/30/04. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-700, filed 12/24/03, effective 1/24/04; 03-12-051, § 296-104-700, filed 5/30/03, effective 6/30/03; 02-23-036, § 296-104-700, filed 11/13/02, effective 12/14/02; 02-12-021, § 296-104-700, filed 5/28/02, effective 6/28/02; 01-24-061, § 296-104-700, filed 11/30/01, effective 12/31/01; 01-12-034, § 296-104-700, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-700, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-08-049, § 296-104-700, filed 4/1/99, effective 5/2/99; 98-09-064, § 296-104-700, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 70.79.040. 93-12-014, § 296-104-700, filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 70.79.030 and 70.79.330. 84-21-012 (Order 84-20), § 296-104-700, filed 10/5/84; 84-11-016 (Order 84-09), § 296-104-700, filed 5/10/84; 82-24-025 (Order 82-36),

§ 296-104-700, filed 11/23/82, effective 1/1/83; Order 77-23, § 296-104-700, filed 11/8/77; Emergency Order 77-22, § 296-104-700, filed 11/8/77.]

WAC 296-104-701 What are the civil penalties? (1)

An owner, user, or operator of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense	\$50.00
Second offense	\$100.00
Each additional offense	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense	\$100.00
Second offense	\$200.00
Each additional offense	\$500.00

Performing a repair to a boiler or pressure vessel, involving welding to a pressure retaining part, without meeting requirements of WAC 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-520:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days	\$100.00
Within 91-180 days	\$250.00
Within 181-270 days	\$400.00
Within 271-360 days	\$500.00

(2) The inspection agency responsible for the inservice inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to file a report of inspection per WAC 296-104-040:

Each offense	\$50.00
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Failure to apply a state serial number per WAC 296-104-140:

Each offense	\$50.00
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Failure to attach a "Red TAG" per WAC 296-104-110:

Each offense	\$50.00
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Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

(4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may appeal to the board of boiler rules. This appeal shall be filed within twenty days after service of the notice of the penalty to the assessed party by filing a written notice of appeal with the chief boiler inspector per RCW 70.79.361.

(5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. 05-22-092, § 296-104-701, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. 04-21-069, § 296-104-701, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-701, filed 10/10/00, effective 11/13/00. Statutory Authority: Chapter 70.79 RCW. 87-12-003 (Order 87-10), § 296-104-701, filed 5/21/87.]

Chapter 296-126 WAC

STANDARDS OF LABOR FOR THE PROTECTION OF THE SAFETY, HEALTH AND WELFARE OF EMPLOYEES FOR ALL OCCUPATIONS SUBJECT TO CHAPTER 49.12 RCW

WAC

296-126-025	Deductions from final wages.
296-126-028	Wage deductions during on-going employment.
296-126-030	Adjustments for overpayments.

WAC 296-126-025 Deductions from final wages. (1)

An employer may deduct any portion of an employee's final wages and may reduce the employee's final gross wages below the state minimum wage that is in effect at the time the work is performed, if the deduction is for any of the following:

(a) Required by state or federal law; or

(b) For medical, surgical, or hospital care or service. No deductions may be made for these services if covered under RCW 51.48.050; or

Example. During the final pay period, the business paid a worker's medical costs for an injury not related to the employee's job duties and deducted the amount from final wages to repay those costs to the employer.

(c) To satisfy a court order, judgment, wage attachment, trustee process, bankruptcy proceeding, or payroll deduction notice for child support payments.

(2) The following deductions must be specifically agreed upon orally or in writing by the employee or employer and may reduce the employee's final gross wages below the state minimum wage that is in effect at the time the work is performed, if the deduction is for any of the following:

(a) For pension, medical, dental, or other benefit plans when such agreements have been specifically agreed upon orally or in writing in advance by the employee and employer.

Example 1. Insurance premium: An employee and employer may have entered into an oral or written agreement in advance for deductions for monthly medical premiums.

Example 2. Retirement plan: The employee chose a 401K pension plan and agreed orally or in writing to a payroll deduction for the specified amount to participate in that plan.

(b) For a payment to a creditor or third party if the employee authorizes it orally or in writing in advance to pay a sum for the benefit of the employee. The creditor or third party can be the employer of the employee.

Example 1. Assignment to third party: An employee may request orally or in writing for the employer to withhold four hundred dollars from the final paycheck for an automobile loan to be paid directly to the employee's financial institution by the employer.

Example 2. Employee loan: The employer loaned the employee three hundred dollars and charged reasonable interest. A written agreement with the terms of repaying the loan at fifty dollars per pay period through payroll deductions was made in writing and in advance between the employer and employee. The agreement also contained a provision that if the employee left the employer's employment for any reason, any balance due on the loan could be withheld from the final paycheck. Note: Employers are advised to check with the United States Department of Labor, Wage and Hour Division and the Internal Revenue Service regarding application of federal laws on charging interest.

(3) An employer can deduct wages from an employee's final paycheck for the reasons in (a), (b), (c), and (d) of this subsection, but only when these incidents have occurred in the final pay period. An employer may not deduct wages from the final paycheck for incidents that occurred in previous pay periods under (a) through (d) of this subsection. None of the deductions contained in this subsection may reduce the employee's final gross wages below the state minimum wage that is in effect at the time the work is performed.

(a) For acceptance of a bad check or credit card, if it can be shown that the employee accepted the check or credit card in violation of procedures previously made known to the employee by the employer; or

(b) For any cash shortage from a cash register, drawer or portable depository provided for that purpose, if it can be shown that the employee has sole access to the cash and has participated in the cash accounting at the beginning of the employee's shift and again at the end of said shift; or

(c) For any cash shortage, walkout (failure of customer to pay), breakage, or loss of equipment, if it can be shown that the shortage, walkout, breakage or loss was caused by a dishonest or willful act of the employee; or

(d) Deductions taken due to alleged employee theft are permissible only if it can be shown that the employee's intent was to deprive and that the employer filed a police report.

(4) It is the employer's responsibility to prove the existence of any agreement. Therefore, the department recommends that all agreements, policies, and procedures be in writing and signed by the affected employees.

(5) The employer must identify and record all wage deductions openly and clearly in employee payroll records.

Helpful information:

The following are examples of situations when deductions are allowed from the employee's final paycheck:

Example 1. Employee purchase of employer's goods or services: An employee worked for a tire store. The employee purchased tires from the store and entered into a written agreement with the employer to deduct an agreed amount each pay period until the debt was paid in full, and the agreement further specified that any remaining balance due at the time of termination could be withheld from the final paycheck. This type of deduction may reduce the employee's wage below the state minimum wage.

Example 2. Advance or draw on wages. An employee may obtain an advance or draw on wages. The employer may deduct the advance or draw from the employee's final paycheck. The employer must record the advance or draw in the employee's payroll records. This type of deduction may reduce the employee's wage below the state minimum wage.

Example 3. Cost of uniforms: An employee and employer may agree orally or in writing that the employer may deduct the cost of uniforms provided by the employer if the uniforms are not returned by the employee at the time of termination. This type of deduction cannot reduce the employee's wage below the state minimum wage.

Example 4. Cash shortages: In a grocery store, the employees and employer agreed orally or in writing that the employer could deduct wages for cash shortages that occurred in the final pay period if the employees had sole access to their cash registers during their shifts and participated in the employer's cash accounting procedures before and after their shifts.

[Statutory Authority: Chapters 49.12, 49.46, 49.48, 49.52 RCW, and RCW 43.22.270. 05-24-019, § 296-126-025, filed 11/29/05, effective 1/1/06; Order 74-9, § 296-126-025, filed 3/13/74, effective 4/15/74.]

WAC 296-126-028 Wage deductions during on-going employment. (1) During an on-going employment relationship, an employer may deduct any portion of an employee's wages below the state minimum wage that is in effect at the time the work is performed if the deduction is for any of the following reasons:

(a) Required by state or federal law; or

(b) For medical, surgical, or hospital care or service; or

Example: The business paid a worker's medical costs for an injury not related to the employee's job duties and deducted the amount to repay those costs to the employer.

(c) To satisfy a court order, judgment, wage attachment, trustee process, bankruptcy proceeding, or payroll deduction notice for child support payments.

(2) During an on-going employment relationship, an employer may deduct wages when the employee expressly authorizes the deduction in writing and in advance for a lawful purpose for the benefit of the employee. These deductions may reduce the employee's gross wages below the state minimum wage.

Example 1. Employee purchase of employer's goods or services: An employee works for a tire store and wants to buy tires from the store. The employee can enter into a written agreement in advance with the employer to buy the tires through a payroll deduction. However, the employer must sell the tires to the employee for the same price or less than it would sell the tires to the customer.

Example 2. Employee loan: An employee worked for a hardware store and asked the employer for a loan. The employer loaned the employee money and charged reasonable interest. An agreement with the terms of repaying the loan and interest through payroll deductions was made in writing and in advance between the employer and employee.

Example 3. Employee benefits: Deductions have been specifically agreed upon orally or in writing in advance by the employee and employer for monthly pension, medical, dental, or other benefit plans.

Example 4. Creditor or third party: An agreement with a creditor or third party to withhold \$400 from the final paycheck for an automobile loan to be paid directly to the employee's financial institution by the employer. The creditor or third party can be the employer of the employee.

(3) Neither the employer nor any person acting in the interest of the employer can derive any financial profit or benefit from any of the deductions under this regulation.

(4) For the purposes of this regulation, reasonable interest charged by the employer for a loan or credit extended to the employee is not considered to be of financial benefit to the employer. Note: Employers are advised to check with the United States Department of Labor, Wage and Hour Division and the Internal Revenue Service regarding application of federal laws on charging interest.

(5) The employer must identify and record all wage deductions openly and clearly in employee payroll records.

Helpful information:

The following are examples of situations when deductions are not allowed from the employee's wages during an on-going employment relationship:

Example 1. Customer's bad check or credit card: The amount of a customer's check that is returned for nonsufficient funds when an employee accepts a check in violation of established policies, or if an employee accepts a customer's bad credit card in violation of established policies.

Example 2. Shortage from cash register: The amount of a till shortage even when an employee participates in cash accounting at the beginning and end of their shift, has sole access to the cash register, and is short at the end of the shift.

Example 3. Customer walks out without paying: An unpaid bill when a customer leaves the restaurant without

paying even when an employee is not watching their customers at a restaurant and ignores the fact the customers are finished dining and are ready for their check.

Example 4. Damage or loss: The cost for replacing broken glasses when the employee drops a tray of glasses when unloading the dishwasher.

[Statutory Authority: Chapters 49.12, 49.46, 49.48, 49.52 RCW, and RCW 43.22.270. 05-24-019, § 296-126-028, filed 11/29/05, effective 1/1/06.]

WAC 296-126-030 Adjustments for overpayments.

(1) An overpayment occurs when an employer pays an employee for:

- (a) More than the agreed-upon wage rate; or
- (b) More than the hours actually worked.

(2) Recouping the overpayment may reduce the employee's gross wages below the state minimum wage.

(3) An employer cannot recover an overpayment when the disputed amount concerns the quality of work.

(4) An employer can recover an overpayment from an employee's paycheck provided the overpayment was infrequent and inadvertent. Infrequent means rarely, not occurring regularly, or not showing a pattern. Inadvertent means an error that was accidental, unintentional, or not deliberately done. The burden of proving the inadvertent error rests with the employer who made the error. The employer has ninety days from the initial overpayment to detect and implement a plan with the employee to collect the overpayment. If the overpayment is not detected within the ninety-day period, the employer cannot adjust an employee's current or future wages to recoup the overpayment. Recouping of overpayments is limited to the ninety-day detection period.

(5) In the case of employees covered by an unexpired collective bargaining agreement that expires on or after January 1, 2006, in which overpayments are included in the terms of the collective bargaining agreement, the effective date of this rule shall be the later of:

- (a) The first day following expiration of the collective bargaining agreement; or
- (b) The effective date of the revised collective bargaining agreement.

Helpful information:

The following are examples of when overpayments may or may not be allowed:

Example 1. Allowed. Overpayment of agreed wage rate: An employee was paid an agreed rate of ten dollars per hour but received a paycheck at the rate of eleven dollars per hour. The employer provided documentation of the overpayment to the affected employee and adjusted the employee's next paycheck for the amount overpaid in the previous pay period.

Example 2. Allowed. Overpayment for hours worked: An employee worked seventy-two hours in the pay period, but the employee was paid for eighty hours for that period. The employer provided documentation of the overpayment to the affected employee and adjusted the employee's next paycheck for the eight hours overpaid in the previous pay period.

Example 3. Not allowed. Overpayment not detected within ninety days of first occurrence: An employer agreed to pay an employee ten dollars per hour, but when the first check was received, the amount paid was paid at eleven dollars per hour. The employee may or may not have brought it to the attention of the employer. Six months later the

employer detected the overpayments and adjusted the employee's wages in the next paycheck for the entire amount of the overpayment. This is not an allowable adjustment because it was not detected within ninety days from the first occurrence.

(6) The employer must provide advance written notice to the employee before any adjustment is made. The notice must include the terms under which the overpayment will be recouped. For example: One adjustment or a series of adjustments.

(7) The employer must provide documentation of the overpayment to the affected employee or employees.

(8) The employer must identify and record all wage deductions openly and clearly in employee payroll records.

(9) Regardless of the provisions of this section, if appropriate, employers retain the right of private legal action to recover an overpayment from an employee.

(10) This regulation does not apply to public employers. See chapter 49.48 RCW, Wages—Payment—Collection.

[Statutory Authority: Chapters 49.12, 49.46, 49.48, 49.52 RCW, and RCW 43.22.270, 05-24-019, § 296-126-030, filed 11/29/05, effective 1/1/06.]

Chapter 296-150C WAC COMMERCIAL COACHES

WAC

296-150C-0020	What definitions apply to this chapter?
296-150C-0320	What must I provide with my request for commercial coach design-plan approval by the department?
296-150C-3000	Commercial coach fees.

WAC 296-150C-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems.

Note: A commercial coach may not be used as a single-family dwelling or hazardous storage building. A commercial coach does not have to be placed on a permanent foundation.

"Damaged in transit" means damage that affects the integrity of a structural design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its commercial coach design plan.

"Educational facility" is a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"Health or personal care facilities" are buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated. (Further defined in WAC 296-46B-010.)

"Insignia" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a commercial coach in place.

"Institutional facility" is a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"Master design plan" is a design plan that expires when a new state building code has been adopted.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150C-0020, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150C-0020, filed 12/14/04, effective 2/1/05. Statutory Authority: RCW 43.22.480. 00-01-187, § 296-150C-0020, filed 12/22/99, effective 2/8/00. Statutory Authority: Chapter 43.22 RCW. 98-14-078, § 296-150C-0020, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150C-0020, filed 10/23/96, effective 11/25/96.]

WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department? All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design; (see WAC 296-150C-0340 and 296-150C-0350.)

(3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. All new, renewed, and resubmitted plans, specifications, reports and structural calculations prepared by or prepared under his or her direct supervision shall be signed, dated and stamped with their seal. Specifications, reports, and structural calculations may be stamped only on the first sheet, provided this first sheet identifies all of the sheets that follow are included and identified in the same manner. Plans that have not been prepared by or under the engineer's or architect's supervision shall be reviewed by them and they shall prepare a report concerning the plans reviewed. This report shall:

- (a) Identify which drawings have been reviewed by drawing number and date;
- (b) Include a statement that the plans are in compliance with current Washington state regulations; and
- (c) The report shall be stamped and signed by the reviewer.

Any deficiencies shall be corrected on the drawings before submitting to the department or be included in the report and identify as to how they are to be corrected. This report shall be attached to the plan(s) that were reviewed. We will retain the set with the original wet stamp;

(4) Receipt of a one-time initial design plan filing fee and the initial design plan fee (see WAC 296-150C-3000);

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules;

(6) The occupancy class of the commercial coach according to the occupancy classifications in The Uniform Building Code;

(7) Electrical plan review for educational, institutional or health care facilities and other buildings. Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That loads and service/feeder conductors are calculated and sized according to the proper NCE or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(8) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available for use during the electrical installation or alteration and for use by the electrical inspector.

(9) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW in compliance with chapters 246-320, 180-29, and 388-97 WAC as applicable and stamped with the engineer's mark and signature.

(10) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panel board schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150C-0320, filed 11/3/05, effective 12/4/05. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150C-0320, filed 6/4/99, effective 7/5/99. Statutory Authority: Chapter 43.22 RCW. 98-14-078, § 296-150C-0320, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150C-0320, filed 10/23/96, effective 11/25/96.]

WAC 296-150C-3000 Commercial coach fees.

INITIAL FILING FEE	\$32.30
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$222.80
INITIAL FEE - ONE YEAR DESIGN	\$91.20
RENEWAL FEE	\$38.60
RESUBMIT FEE	\$65.10
ADDENDUM (Approval expires on same date as original plan)	\$65.10
ELECTRONIC PLAN SUBMITTAL FEE \$4.90 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	

ELECTRICAL PLAN REVIEW (Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$65.10
Service/feeder Ampacity:	
0 - 100	\$28.80
101 - 200	\$35.90
201 - 400	\$67.40
401 - 600	\$79.50
601 - 800	\$102.50
801 - 1000	\$125.40
Over 1000	\$136.10
Over 600 volts surcharge	\$21.50
Thermostats:	
First	\$12.70
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$11.60
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	
	\$77.10
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders Ampacity	207 plus
Service/feeder	\$189.80
Additional Feeder	\$36.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	207 plus
Service/feeder	\$100.70
Additional Feeder	\$25.70
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$62.40
FIRST STATION	\$62.40
EACH ADDITIONAL STATION	\$22.80
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$99.30
INITIAL FEE - ONE YEAR DESIGN	\$60.10
RENEWAL FEE	\$60.10
ADDENDUM	\$60.10
PLANS APPROVED BY PROFESSIONALS	
	\$45.30
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$12.20
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$65.10
TRAVEL (Per hour)	\$65.10
PER DIEM**	
HOTEL ***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$65.10
TRAVEL (Per hour*)	\$65.10
PER DIEM**	
HOTEL ***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$97.40

INSIGNIA FEES:	
FIRST SECTION	\$19.70
EACH ADDITIONAL SECTION	\$12.20
ALTERATION	\$32.30
REISSUED-LOST/DAMAGED	\$12.20
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$12.20
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150C-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150C-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150C-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150C-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150C-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150C-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150C-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150C-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150C-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150C-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150C-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150F WAC

FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

WAC

296-150F-0020	What definitions apply to this chapter?
296-150F-0320	What must I provide with my request for design-plan approval by the department?
296-150F-3000	Factory-built housing and commercial structure fees.

WAC 296-150F-0020 What definitions apply to this chapter? "Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a factory-built house or commercial structure will be installed.

"Commercial structure" is a structure designed or used for human habitation (such as a dormitory) or human occupancy for industrial, educational, assembly, professional, or commercial purposes. It may also include a component.

"Component" is a discrete element that cannot be inspected at the time of installation either in the factory or in a site-built unit, but is:

- Designed to be installed in a structure;
- Manufactured as a unit; and
- Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, or heating assembly.

It may also be a service core. A service core is a factory assembled, three-dimensional section of a building. It may include mechanical, electrical, plumbing, and related systems. It may be a complete kitchen, bathroom, or utility room. Service cores are referred to as "wet boxes," "mechanical cores," or "utility cores."

Note: A roof truss is not considered a component.

"Damaged in transit" is damage that effects the integrity of the structural design or damage to any other system

referenced in the codes required by the State Building Code, or other applicable codes.

"Department" is the department of labor and industries. The department may also be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction of factory-built housing, commercial structures, or components that includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its design plan.

"Educational facility" is a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built housing, commercial structures, and components.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to factory-built housing, commercial structures and components. (See RCW 43.22.420.)

"Factory-built housing" is housing designed for human occupancy such as a single-family dwelling. The structure of any room is entirely or substantially prefabricated or assembled at a place other than a building site. It may also include a component. A factory-built house is also referred to as a "modular" structure. Factory-built housing does not include manufactured (mobile) housing. (See RCW 43.22.450(3).)

"Health or personal care facilities" are buildings or parts of buildings that contain, but are not limited to, facilities

that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated. (Further defined in WAC 296-46B-010.)

"Insignia" is a label that we attach to a structure to verify that a factory-built house or commercial structure meets the requirements of this chapter. It could also be a stamp or label attached to a component to verify that it meets the requirements of this chapter.

"Install" is to erect or set in place a structure at a building site. It may also be the construction or assembly of a component as part of a factory-built house or commercial structure.

"Institutional facility" is a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

"Listed" is a piece of equipment, a component, or an installation that appears in a list published by a testing or listing agency and is suitable for use in a specified manner.

"Listing agency" is an organization whose business is approving equipment, components, or installations for publication.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of factory-built housing and commercial structures.

"Master design plan" is a design plan that expires when a new State Building Code has been adopted.

"Manufacturing" is making, fabricating, forming, or assembling a factory-built house, commercial structure, or component.

"One-year design plan" is a design plan that expires one year after approval or when a new State Building Code has been adopted.

"Repair" is the replacement, addition, modification, or removal of any construction, equipment, system, or installation to correct damage in transit or during on-site installation before occupancy.

"Unit" is a factory-built house, commercial structure, or component.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150F-0020, filed 11/3/05, effective 12/4/05; 98-14-078, § 296-150F-0020, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150F-0020, filed 10/23/96, effective 11/25/96.]

WAC 296-150F-0320 What must I provide with my request for design-plan approval by the department? All requests for design-plan approval must include:

(1) A completed design-plan approval request form;
(2) One complete set of design plans, specifications, engineering analysis, test procedures and results plus one additional set for each manufacturing location where the design plan will be used (see WAC 296-150F-0340 and 296-150F-0350);

(3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. All new, renewed, and resubmitted plans, specifications, reports and structural calculations prepared by or prepared under his or her direct supervision shall be signed, dated and stamped with their seal. Specifications, reports, and structural calculations may be stamped only on the first sheet, provided this first sheet identifies all of the sheets that follow are included and identified in the same manner. Plans that have not been prepared by or under the engineer's or architect's supervision shall be reviewed by them and they shall prepare a report concerning the plans reviewed. This report shall:

(a) Identify which drawings have been reviewed by drawing number and date;

(b) Include a statement that the plans are in compliance with current Washington state regulations; and

(c) The report shall be stamped and signed by the reviewer.

Any deficiencies shall be corrected on the drawings before submitting to the department or be included in the report and identify as to how they are to be corrected. This report shall be attached to the plan(s) that were reviewed. We will retain the set with the original wet stamp;

(4) A one-time initial filing fee and the design-plan fee (see WAC 296-150F-3000); and

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules.

(6) Electrical plan review for educational, institutional or health care facilities and other buildings. Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That loads and service/feeder conductors are calculated and sized according to the proper NCE or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(7) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available for use during the electrical installation or alteration and for use by the electrical inspector.

(8) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW in compliance with chapters 246-320, 180-29, and 388-97 WAC as applicable and stamped with the engineer's mark and signature.

(9) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The

plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panel board schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be sub-

mitted with a plan review submittal form available from the department.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150F-0320, filed 11/3/05, effective 12/4/05. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150F-0320, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150F-0320, filed 10/23/96, effective 11/25/96.]

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

INITIAL FILING FEE	\$57.30
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$282.80
INITIAL FEE - ONE YEAR DESIGN	\$165.70
RENEWAL FEE	\$57.30
RESUBMIT FEE	\$82.80
ADDENDUM (Approval expires on same date as original plan.)	\$82.80
ELECTRONIC PLAN SUBMITTAL FEE \$4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$63.10
Service/feeder Ampacity:	
0 - 100	\$28.00
101 - 200	\$34.90
201 - 400	\$65.30
401 - 600	\$77.10
601 - 800	\$99.30
801 - 1000	\$121.50
Over 1000	\$131.80
Over 600 volts surcharge	\$20.90
Thermostats:	
First	\$12.40
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$11.30
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$74.60
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service /feeders Ampacity	207 plus
Service/feeder	\$189.80
Additional Feeder	\$36.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	207 plus
Service/feeder	\$100.70
Additional Feeder	\$25.70
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$78.60
FIRST STATION	\$78.60
EACH ADDITIONAL STATION	\$28.60
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$126.50
INITIAL FEE-ONE YEAR DESIGN	\$76.50
RENEWAL FEE	\$76.50
ADDENDUM	\$76.50
PLANS APPROVED BY DESIGN PROFESSIONALS	\$57.30
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$14.80

DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$73.30
TRAVEL (Per hour*)	\$73.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$73.30
TRAVEL (Per hour*)	\$73.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$233.80
EACH ADDITIONAL SECTION	\$21.20
REISSUED-LOST/DAMAGED	\$57.30
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$73.30
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$31.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150F-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150F-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150F-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150F-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150F-3000, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150F-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150F-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150F-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150F-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150F-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150M WAC MANUFACTURED HOMES

WAC

296-150M-0302	What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?
296-150M-0306	What codes are used when altering a manufactured/mobile home?
296-150M-0309	How do I apply for alteration approval and obtain an alteration insignia?
296-150M-0540	How do I obtain a fire safety certificate to site my pre-HUD home.
296-150M-0550	What is required to meet the fire safety certificate requirements?
296-150M-0805	How does the department ensure that a contractor, firm, partnership, or corporation complies with the requirements of chapter 43.22 RCW?
296-150M-3000	Manufactured/mobile home fees.

WAC 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED? Yes No
(1) Air Conditioner/Heat Pump	
(a) New installation	X
(b) Replacement	X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED? Yes No
(c) Reconnection after moving home	X
(d) Repair	X
(e) Adjustment and/or maintenance	X
(2) Bottom Board - Repair	X
(3) Clothes Washer	
(a) New installation	X
(b) Replacement	X
(c) Repair with approved parts	X
(d) Adjustment and/or maintenance	X
(4) Clothes Dryer (Electric)	
(a) New installation (Prewired electrical)	X
(b) Replacement	X
(c) Repair with approved parts	X
(d) Adjustment and/or maintenance	X
(e) Replacement with gas clothes dryer when modifications to electrical or gas systems are performed	X
(5) Clothes Dryer (Gas)	
(a) New installation (Preplumbed gas)	X
(b) Replacement	X
(c) Repair with approved parts	X
(d) Adjustment and/or maintenance	X
(e) Replacement with electric clothes dryer when modifications to electrical or gas systems are performed	X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(6) Dishwasher		
(a) New installation	X	
(b) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(7) Doors (Interior and Exterior)		
(a) Additional*	X	
(b) Replacement of door that fits into the same opening		X
(8) Electrical		
(a) Replacing main electrical panel*****	X	
(b) Adding circuits	X	
(c) Extending existing circuit(s)	X	
(d) Replacing lighting fixtures****		X
(e) Replacing circuit breakers/fuses		X
(f) Replacing switches, receptacles, light bulbs, fluorescent tubes and glass or plastic shades		X
(g) Repairing bath exhaust fans		X
(h) Repairing fans in kitchen range hoods		X
(9) Exterior Finish		
(a) Painting		X
(b) Replacement of siding	X	
(10) Furnace (Electric)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas furnace	X	
(11) Furnace (Gas)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Change from LP Gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(e) Adjustment and/or maintenance		X
(f) Replacement with electric furnace	X	
(12) Gas Lines		
(a) New installation	X	
(b) Extend existing gas line	X	
(c) Repair	X	
(13) Interior		
(a) Painting, wall papering and similar finish work		X
(b) Replacement or addition of curtains, drapes, blinds, window shades and other window coverings		X
(c) Replacement of carpeting and other floor-covering materials with similar materials		X
(14) Microwave Oven (Over range)		
(a) New installation when electrical system modifications are performed	X	
(b) Replacement		X
(c) Repair		X
(d) Adjustment and/or maintenance		X
(15) Microwave Oven (Countertop)		X
(16) Pellet Stove		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(17) Plumbing		
(a) Adding plumbing fixtures***	X	
(b) Repairing damage***	X	
(c) Replacing fixtures***		X
(d) Repairing fixtures***		X
(e) Replacement/repair of shower doors and curtains		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(18) Range/Cook Top/Eye Level Oven (Electric)		
(a) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(b) Repair with approved parts		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas appliance(s)	X	
(19) Range/Cook Top/Eye Level Oven (Gas)		
(a) New installation	X	
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric appliance(s)	X	
(20) Roofing		
(a) Reroofing	X	
(b) Applying liquid or mastic roof sealant to a metal roof		X
(c) Repair of damaged composition shingles		X
(21) Structural changes		
(a) Adding a dormer*	X	
(b) Truss repairs*	X	
(c) Add opening in wall**	X	
(d) Add gypsum board to walls or ceilings	X	
(e) Repair or replacing floor decking/joists	X	
(22) Water Heater (Electric)		
(a) Replacement w/electric water heater	X	
(b) Repair		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas water heater	X	
(23) Water Heater (Gas)		
(a) Replacement w/gas water heater	X	
(b) Repair		X
(c) Change from LP gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric water heater	X	
(24) Windows		
(a) Replacement in same opening with no structural changes*****		X
(b) Replacement when structural changes are required	X	
(c) Replacement of glass		X
(25) Wood Stove/Fireplace		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

* May also require a plan review. Please contact your local L&I representative.

** May also require a plan review. The department has detailed drawings you may use for openings in sidewalls. Please contact your local L&I representative.

*** Fixtures include: Faucets, sinks, lavatories, laundry tubs, water closets (toilets), tubs, showers and tub/shower combos.

**** Fixtures must be installed per its listing and intended use.

***** Windows in bedrooms must be of egress type.

***** Meter bases may only be installed by the manufacturer of the home unless repaired or replaced.

NOTE: Exemption from the permit and inspection requirements shall not be deemed to grant authorization for any work to be done in violation of the applicable code, Chapter 296-150M WAC.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0302, filed 11/29/05, effective 1/1/06. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150M-0302, filed 12/14/04, effective 2/1/05. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0302, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.432, 43.22.434, 43.22.440, and 2001 c 335. 02-03-048, § 296-150M-0302, filed 1/9/02, effective 1/9/02.]

WAC 296-150M-0306 What codes are used when altering a manufactured/mobile home? Alterations to a manufactured/mobile home must be in compliance with the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, as adopted by the Secretary for the Department of Housing and Urban Development (HUD) and the amendments to that federal standard adopted in this WAC chapter. The department will accept the following provisions, which supersede the applicable requirements in 24 CFR Part 3280.

(1) Tested equivalent air conditioning/heat pump components that have been tested and listed for use with a particular furnace by a nationally recognized testing laboratory.

(2) Water heaters that are listed by a nationally recognized testing laboratory and installed per the manufacturer's installation instructions.

(3) Pellet stoves for installation that have been listed by a department approved testing laboratory. For a current list of approved laboratories, contact any department field office or the department at the address shown in WAC 296-150M-0020.

(4) All electrical alterations and additions to the manufactured/mobile home shall comply with the current edition of the National Electrical Code.

(5) The International Residential Code for structural alterations.

Note: The replacement of exterior siding is an alteration and requires the approval of the department and an alteration insignia.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0306, filed 11/29/05, effective 1/1/06. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150M-0306, filed 8/22/00, effective 9/30/00. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150M-0306, filed 6/4/99, effective 7/5/99. Statutory Authority: Chapter 43.22 RCW. 98-14-078, § 296-150M-0306, filed 6/30/98, effective 7/31/98.]

WAC 296-150M-0309 How do I apply for alteration approval and obtain an alteration insignia? (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms upon request.

(b) Submit the completed forms to us, with the first hour of inspection fee and alteration insignia fee. Alterations requiring more than one inspection shall have the first hour inspection fee paid to the department prior to any inspection. (See WAC 296-150M-3000.)

(2) The request for inspection of your alteration should be at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

(4) The department will send written notification to the local jurisdiction in which the mobile home will be located, if the mobile home fails the fire safety inspection.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0309, filed 11/29/05, effective 1/1/06. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150M-0309, filed 6/4/99, effective 7/5/99.]

WAC 296-150M-0540 How do I obtain a fire safety certificate to site my pre-HUD home. In order to install a pre-HUD home in Washington, you will need to obtain and pass an inspection by the department. To apply for a fire safety certificate, you must:

(1) Complete an alteration permit form and a fire safety certificate application. We will provide you the forms on request.

(2) A fire safety preinspection checklist can be obtained at your local labor and industries office or on the web at <http://www.lni.wa.gov/tradescicensing/fas>.

(3) Submit the completed forms to us, with the first hour of inspection fee and the site placement form. Alterations requiring more than one inspection shall have the first hour of inspection paid to the department prior to each additional inspection. The following fees will need to be paid: Electrical fire safety, structural fire safety, insignia fees for fire safety. (See WAC 296-150M-3000, Manufactured/mobile home fees.)

(4) Any other alterations to the home that have not been previously inspected and approved by the department will cause the approval of this inspection to be denied.

(5) Once we approve the inspection, we will provide you with a completed alteration permit and fire safety certificate.

Note: After the home has been sited, any subsequent move will require a separate fire safety certificate.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0540, filed 11/29/05, effective 1/1/06.]

WAC 296-150M-0550 What is required to meet the fire safety certificate requirements? You will need to complete the following requirements for your pre-HUD home.

(1) **Wiring system.** Aluminum wiring is not permitted for use in fifteen and twenty amp branch circuits. You must do one of the following:

(a) Rewire the fifteen and twenty amp branch circuits in copper.

(b) Install receptacles and switches that are approved for the use of either aluminum or copper (i.e., they will be marked AL/CU); or

(c) Install copper "pig tail" connections using wiring nuts approved for aluminum wire between the aluminum wire and the receptacle/switch/light fixture/bath and fans/range hoods.

Additionally, if the circuit breakers in the electrical panel for fifteen and twenty amp circuits are not approved for aluminum wiring, the breakers either need to be replaced with those that are acceptable for aluminum wire or they need to be pig tailed with copper wire and wire nuts acceptable for aluminum wire.

(2) **Fire protection.**

(a) Walls, doors and ceilings in the water heater and furnace compartments shall be protected by materials with a flame spread rating not exceeding twenty-five. (This can be met with gypsum wallboard having a minimum thickness of 5/16 inch or ceramic tile.)

(b) The range hood must be at least as wide as the appliance and have a lower front edge or "eyebrow" which extends at least three inches past the cabinet above.

(c) The surfaces of the exposed walls adjacent to and within six inches of a range or cooktop appliance must be composed of gypsum wallboard, with a minimum thickness

of 5/16 inch, or ceramic tile. Kitchen cabinets constructed of combustible material that is located above a range or cooktop must be a minimum of twenty-four inches above the cooking surface. The cabinets must be protected on the bottom and on the exposed sides within six inches of either side of the appliance, by covering the surface with gypsum wallboard, with a minimum thickness of 5/16 inch, and installing a metal hood above the cooking appliance. A minimum of 3/8 inch gap is required between the cabinet and the gypsum on top of the hood.

(d) No window may be within twelve inches of the edge of a burner or element of the cooking appliance.

(3) Emergency egress.

(a) Every bedroom or other room designed expressly for sleeping purposes must have a window that meets the minimum requirements of at least 5.0 square feet of opening for emergency egress.

(b) Rooms that have a door, with a minimum clear opening of twenty-eight inches wide by seventy-two inches high, which opens directly to the outside do not need to have an emergency egress window.

(c) Windows and devices must be installed in a manner which allows for proper operation.

(d) The bottom of the opening of an egress window shall be no more than thirty-six inches above the floor.

(e) The height of the bottom of the window can be increased to forty-four inches when the clear net area is increased to 5.7 square feet of opening.

(4) Smoke detectors.

(a) Smoke detectors are required at each hallway or area giving access to a bedroom or group of bedrooms. When a furnace is located in the hall giving access to the bedrooms,

the detector is to be located between the living area and the return air grill of the furnace.

(b) Smoke detectors must be installed on a wall and must be permanently wired and installed on a J-box with splices terminating inside the box.

(c) A smoke alarm with a rated life of ten years and provided with a listed ten year battery can be used in lieu of wired smoke detector.

(d) The smoke detector may not be switched and if more than one smoke detector is installed, then each one is to be wired on a different branch circuit.

(e) Smoke detectors do not need to be wired together to sound simultaneous alarms.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0550, filed 11/29/05, effective 1/1/06.]

WAC 296-150M-0805 How does the department ensure that a contractor, firm, partnership, or corporation complies with the requirements of chapter 43.22 RCW? The department of labor and industries ensures that contractors, firms, partnerships, and corporations comply with the requirements of chapter 43.22 RCW and this chapter which require a permit and inspection by the department of alterations to manufactured and mobile homes by:

(1) Inspecting manufactured and mobile home job sites by the department's compliance inspectors; or

(2) Auditing the records of contractors per WAC 296-150M-0715.

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-0805, filed 11/29/05, effective 1/1/06. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0805, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-3000 Manufactured/mobile home fees.

INITIAL FILING FEE	\$31.40
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION - MASTER DESIGN (CODE CYCLE)	\$126.60
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$84.90
RENEWAL FEE	\$37.80
RESUBMITTAL FEE	\$63.10
ADDENDUM (Approval expires on the same date as original plan.)	\$63.10
ELECTRONIC PLAN SUBMITTAL FEE \$4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT INSPECTION FEES:	
INSPECTION	
MECHANICAL	
Heat Pump	\$31.80
Combination Heat Pump (new) and Furnace (replacement)	\$42.40
Air Conditioning	\$31.80
Combination Air Conditioning (new) and Furnace (replacement)	\$42.40
Furnace Installation (gas*** or electric)	\$31.80
Gas*** Piping	\$31.80
Wood Stove	\$31.80
Pellet Stove	\$31.80
Gas*** Room Heater	\$31.80
Gas*** Decorative Appliance	\$31.80
Range: Changing from electric to gas***	\$31.80
Gas*** Water Heater Replacement	\$21.20
Water Heater: Changing from electric to gas***	\$21.20
Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge	\$63.70
ELECTRICAL	
Heat Pump	\$42.40

Heat Pump (when home is prewired for a heat pump)	\$10.60
Combination Heat Pump (new) and Furnace (replacement)	\$53.10
Air Conditioner	\$42.40
Air Conditioner (when home is prewired for an air conditioner)	\$10.60
Combination Air Conditioner (new) and Furnace (replacement)	\$53.10
Furnace Installation (gas or electric)	\$42.40
Wood Stove (if applicable)	\$42.40
Pellet Stove (if applicable)	\$42.40
Gas*** Room Heater (if applicable)	\$42.40
Gas*** Decorative Appliance (if applicable)	\$42.40
Range: Changing from gas*** to electric	\$42.40
Electric Water Heater Replacement	\$42.40
Electric Water Heater replacing Gas*** Water Heater	\$42.40
Each added or modified 120 volt circuit (maximum charge is two circuits)	\$42.40
Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas)	\$42.40
Hot Tub or Spa (power from home electrical panel)	\$42.40
Replace main electrical panel	\$42.40
Low voltage fire/intrusion alarm	\$42.40
Fire Safety	\$42.40
Any combination of Furnace, Range and Water Heater changing from electric to gas***	\$42.40
PLUMBING	
Fire sprinkler system (also requires a plan review)	\$21.20
Each added fixture	\$21.20
Replacement of water piping system (this includes two inspections)	\$95.60
STRUCTURAL	
Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)	\$42.40
Reroofs (may require a plan review)	\$74.30
Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)	\$74.30
Other structural changes (may require a plan review)	\$74.30
Fire Safety (may also require an electrical fire safety inspection)	\$42.40
MISCELLANEOUS	
Other structural changes (may require a plan review)	\$74.30
Plan Review	\$84.90
OTHER REQUIRED INSPECTIONS (Per hour*)	\$58.40
ALL REINSPECTIONS (Per hour*)	\$58.40
Refund	\$10.60
INSIGNIA FEES:	
ALTERATION	\$10.60
FIRE SAFETY CERTIFICATE	\$10.60
REISSUED - LOST/DAMAGED	\$10.60
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$28.70
Second and succeeding inspections of unlabeled sections (Per hour*)	\$63.10
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour*separate from other fees)	\$63.10
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$63.10
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$63.10
Attendance at manufacturers training classes (Per hour* only)	\$63.10
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$63.10
Alterations to a labeled unit (Per hour* plus travel time* and mileage**)	\$63.10
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$63.10
Monthly surveillance during a regularly scheduled IPIA audit (Per hour*plus travel time* and mileage**)	\$63.10
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$63.10
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	\$63.10
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$63.10
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time*and mileage**)	\$63.10
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time*and mileage**)	\$63.10
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$63.10
State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)	\$63.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$58.40
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$11.90
VARIANCE INSPECTION FEE	\$84.90
HOMEOWNER REQUESTED INSPECTION	\$84.90

Recreational Park Trailers

296-150P-3000

DECERTIFICATION OF A MOBILE/MANUFACTURED HOME	\$84.90
DEMOLITION OF A MOBILE/MANUFACTURED HOME	\$84.90
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Gas means all gases; natural, propane, etc.	

[Statutory Authority: Chapter 43.22 RCW and 2005 c 399. 05-24-020, § 296-150M-3000, filed 11/29/05, effective 1/1/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150M-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150M-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-3000, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150M-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150M-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150M-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150M-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150M-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150P WAC RECREATIONAL PARK TRAILERS

WAC

296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 Recreational park trailer fees.

INITIAL FILING FEE	\$32.30
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$91.20
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$120.50
RESUBMITTAL FEE	\$65.10
ADDENDUM (Approval expires on same date as original plan.)	\$65.10
ELECTRONIC PLAN SUBMITTAL FEE \$4.90 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$12.20
RESUBMITTAL FEE	\$65.10
ADDENDUM	\$65.10
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$97.40
INSIGNIA FEES:	
STATE CERTIFIED	\$12.00
ALTERATION	\$32.30
REISSUED-LOST/DAMAGED	\$12.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$12.20

* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150P-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150P-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150P-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150P-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150P-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150P-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150P-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150P-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150P-3000, filed 7/31/97, effective 12/1/97.]

Chapter 296-150R WAC RECREATIONAL VEHICLES

WAC

296-150R-3000 Recreational vehicle fees.

WAC 296-150R-3000 Recreational vehicle fees.

STATE PLAN	
INITIAL FILING FEE	\$32.30
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$90.00
RESUBMITTAL FEE	\$65.00
ADDENDUM (Approval expires on same date as original plan.)	\$65.00
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$12.20
RESUBMITTAL FEE	\$65.00
ADDENDUM	\$65.00
ELECTRONIC PLAN SUBMITTAL FEE \$4.90 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING**	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$97.40
INSIGNIA FEES:	
STATE CERTIFIED	\$11.60
ALTERATION	\$32.30
REISSUED-LOST/DAMAGED	\$11.60
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$12.20
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

SELF CERTIFICATION	
INITIAL FILING FEE	\$32.30

DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$91.20
RESUBMITTAL FEE	\$65.10
ADDENDUM (Approval expires on same date as original plan.)	\$65.10
ELECTRONIC PLAN SUBMITTAL FEE \$4.90 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$12.20
RESUBMITTAL FEE	\$65.10
ADDENDUM	\$65.10
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$65.10
TRAVEL (per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$11.60
ALTERATION	\$32.30
REISSUED-LOST/DAMAGED	\$11.60
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$12.20
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150R-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150R-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150R-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150R-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150R-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150R-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150R-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150R-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150R-3000, filed 7/31/97, effective 12/1/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150R-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150T WAC FACTORY-BUILT TEMPORARY WORKER HOUSING STRUCTURES

WAC

296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 Factory-built temporary worker housing fees.

INITIAL FILING FEE	\$45.30
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$130.70
RENEWAL FEE	\$45.30
RESUBMIT FEE	\$65.10
ADDENDUM (Approval expires on same date as original plan)	\$65.10

ELECTRONIC PLAN SUBMITTAL FEE \$4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$77.20
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$12.20
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$65.10
TRAVEL (Per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$65.10
TRAVEL (Per hour*)	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$183.20
EACH ADDITIONAL SECTION	\$17.80
REISSUED-LOST/DAMAGED	\$45.30
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders Ampacity	207 plus
Service/feeder	\$189.80
Additional Feeder	\$36.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	207 plus
Service/feeder	\$100.70
Additional Feeder	\$25.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$12.20
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150T-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150T-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150T-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150T-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150T-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150T-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.480. 99-12-079, § 296-150T-3000, filed 5/28/99, effective 6/28/99.]

Chapter 296-150V WAC

CONVERSION VENDOR UNITS AND MEDICAL UNITS

WAC

296-150V-0020	What definitions apply to this chapter?
296-150V-0320	What must I provide with my request for conversion vendor unit or medical unit design-plan approval by the department?
296-150V-3000	Conversion vendor units and medical units—Fees.

WAC 296-150V-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that

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affects the construction for concentrated floor loads, fire and life safety, or the plumbing, mechanical, and electrical systems of a conversion vendor unit or medical unit.

The following are not considered alterations:

- Repairs with approved parts;
 - Modifications of a fuel-burning appliance according to the listing agency's specifications; or
 - Adjustment and maintenance of equipment.
- "Approved" is approved by the department of labor and industries.

"Consumer" is a person or organization, excluding a manufacturer or dealer of conversion vendor units or medical

units, who buys or leases a conversion vendor unit or medical unit.

"Conversion vendor unit" means a motor vehicle or other structure that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be 8 feet 6 inches or less in width (exterior floor measurement) in the set-up position, and the inside working area must be less than 40 feet in length (interior floor measurement). Conversion vendor units:

- Are transported in only one section;
- Are designed for highway use;
- Are temporarily occupied for distribution of items, e.g., food;
- Are built on a permanent chassis; and
- Include at least one of the following systems: Plumbing, mechanical or 120 and/or 240 volt electrical.

Note: The conversion vendor unit may NOT include a dining area.

"Damaged in transit" means damage that affects the integrity of a concentrated floor load design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading conversion vendor units, or medical units.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a conversion vendor unit or medical unit or conversion of a vehicle to a conversion vendor unit or medical unit including floor plans, specifications, or test results necessary for a complete evaluation of the design, if applicable.

"Design option" is a design that a manufacturer may use as an option to its conversion vendor unit or medical unit design plan.

"Educational facility" is a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a conversion vendor unit or medical unit.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to conversion vendor units and medical units.

"Health or personal care facilities" are buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or

ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated. (Further defined in WAC 296-46B-010.)

"Insignia" is a label that we attach to a conversion vendor unit or medical unit to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a conversion vendor unit or medical unit in place.

"Institutional facility" is a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a conversion vendor unit or medical unit.

"Medical unit" is a type of self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles, and which:

- Is transportable;
- Is temporarily placed and used;
- Is built on a permanent chassis;
- Includes at least one system;
- Is for temporary use only.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a conversion vendor unit or medical unit designed to serve a particular function. Examples include plumbing, electrical, or mechanical systems.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150V-0020, filed 11/3/05, effective 12/4/05. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-0020, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-0320 What must I provide with my request for conversion vendor unit or medical unit design-plan approval by the department? (1) All requests for design-plan approval must include:

- (a) A completed design-plan approval request form;
- (b) Two sets of design plans, specifications and test results and procedures necessary for a complete evaluation of the design;
- (c) Receipt of the design-plan fee listed in WAC 296-150V-3000;
- (d) Receipt of the initial design-plan filing fee and the initial design-plan fee.

(2) If a structural analysis or test is required for a concentrated floor load, at least one set of design plans must have an original wet stamp from a professional engineer or architect

licensed in Washington state. All new, renewed, and resubmitted plans, specifications, reports and structural calculations prepared by or prepared under the engineer or architect's direct supervision shall be signed, dated and stamped with his or her seal. Specifications, reports, and structural calculations may be stamped only on the first sheet, provided this first sheet identifies all of the sheets that follow are included and identified in the same manner. Plans that have not been prepared by or under the engineer's or architect's supervision shall be reviewed and he or she must prepare a report concerning the plans. This report must:

(a) Identify which drawings have been reviewed by drawing number and date;

(b) Include a statement that the plans are in compliance with current Washington state regulations; and

(c) Be stamped and signed by the reviewer.

(3) Any deficiencies shall be corrected on the drawings before submitting to the department or be included in the report and identify as to how they are to be corrected. This report shall be attached to the plan(s) that were reviewed. We will retain the set with the original wet stamp.

(4) Electrical plan review for educational, institutional or health care facilities and other buildings. Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That loads and service/feeder conductors are calculated and sized according to the proper NCE or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(5) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available for use during the electrical installation or alteration and for use by the electrical inspector.

(6) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW in compliance with chapters 246-320, 180-29, and 388-97 WAC as applicable, and stamped with the engineer's mark and signature.

(7) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panel board schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department.

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150V-0320, filed 11/3/05, effective 12/4/05; 99-18-069, § 296-150V-0320, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	\$32.30
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$222.80
INITIAL FEE - ONE YEAR DESIGN	\$91.20
RENEWAL FEE	\$38.90
RESUBMIT FEE	\$65.10
ADDENDUM (Approval expires on same date as original plan)	\$65.10
ELECTRONIC PLAN SUBMITTAL FEE \$4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (Plan review for educational, institutional or health care facilities and other buildings)	
Electrical plan submission fee	\$65.10
Service/feeder ampacity:	
0 - 100	\$28.80
101 - 200	\$35.90
201 - 400	\$67.40
401 - 600	\$79.50
601 - 800	\$102.50
801 - 1000	\$125.40
Over 1000	\$136.10
Over 600 volts surcharge	\$21.50
Thermostats:	
First	\$12.70
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$11.60
Each additional circuit or zone	\$2.00

Conversion Vendor Units and Medical Units

296-150V-3000

Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$77.10
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$99.30
INITIAL FEE - ONE YEAR DESIGN	\$60.10
RENEWAL FEE	\$60.10
ADDENDUM	\$60.10
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$12.20
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$65.10
TRAVEL (Per hour)*	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$97.40
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$65.10
TRAVEL (Per hour*)	\$65.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$18.80
ALTERATION	\$32.30
REISSUED-LOST/DAMAGED	\$12.20
EXEMPT	\$32.30
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders Ampacity	207 plus
Service/feeder	\$189.80
Additional Feeder	\$36.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	207 plus
Service/feeder	\$100.70
Additional Feeder	\$25.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$65.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$12.20
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: Chapter 43.22 RCW. 05-23-002, § 296-150V-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-150V-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. 05-01-102, § 296-150V-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-150V-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150V-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150V-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150V-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-3000, filed 8/31/99, effective 10/1/99.]

Chapter 296-155 WAC
SAFETY STANDARDS FOR CONSTRUCTION
WORK

WAC

296-155-160	Gases, vapors, fumes, dusts, and mists.
296-155-17317	Respiratory protection.
296-155-174	Cadmium.
296-155-17613	Respiratory protection.
296-155-17625	Employee information and training.
296-155-17652	Appendix B to WAC 296-155-176—Employee standard summary.
296-155-20301	Definitions.
296-155-220	Respiratory protection.
296-155-367	Masonry saws.
296-155-475	Scope and application.
296-155-47501	Definitions applicable to this part.
296-155-480	Fixed ladders.
296-155-48080	Appendix A.
296-155-525	Cranes and derricks.
296-155-655	General protection requirements.
296-155-730	Tunnels and shafts.

WAC 296-155-160 Gases, vapors, fumes, dusts, and mists. (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with subsection (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the general occupational health standards and chapter 296-841 WAC, identifying and controlling respiratory hazards.

(4) Whenever any employee is exposed to asbestos, the provisions of the general occupational health standards, chapter 296-62 WAC shall apply.

(5) Subsections (1) and (2) of this section do not apply to the exposure of employees to formaldehyde. Whenever any employee is exposed to formaldehyde, the requirements of WAC 296-62-07540 shall apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-160, filed 1/18/05, effective 3/1/05. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-155-160, filed 7/20/94, effective 9/20/94; 88-14-108 (Order 88-11), § 296-155-160, filed 7/6/88; 87-24-051 (Order 87-24), § 296-155-160, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. 87-10-008 (Order 87-06), § 296-155-160, filed 4/27/87. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-160, filed 1/21/86. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-155-160, filed 11/30/83; Order 74-26, § 296-155-160, filed 5/7/74, effective 6/6/74.]

WAC 296-155-17317 Respiratory protection. (1) General. For employees who use respirators required by this

section, the employer must provide respirators that comply with the requirements of this section. Respirators must be used during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls.

(b) Work operations, such as maintenance and repair activities and spray application processes, for which engineering and work-practice controls are not feasible.

(c) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the PELs.

(d) Emergencies.

(2) Respirator program. The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(3) Respirator selection.

(a) The employer must select the appropriate respirator from Table 1 of this section.

Table 1.—Respiratory Protection for MDA

Airborne concentration of MDA or condition of use	Respirator type
a. Less than or equal to 10xPEL	(1) Half-mask respirator with HEPA ¹ cartridge. ²
b. Less than or equal to 50xPEL	(1) Full facepiece respirator with HEPA ¹ cartridge or canister. ²
c. Less than or equal to 1000xPEL	(1) Full facepiece powered air-purifying respirator with HEPA ¹ cartridges. ²
d. Greater than 1000xPEL or unknown	(1) Self-contained breathing concentration apparatus with full facepiece in positive pressure mode; (2) Full facepiece positive-pressure demand supplied-air respirator with auxiliary self-contained air supply.
e. Escape	(1) Any full facepiece air-purifying respirator with HEPA ¹ cartridges; ² (2) Any positive pressure or continuous flow self-contained breathing apparatus with full facepiece or hood.
f. Fire fighting	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

Note: Respirators assigned for higher environmental concentration may be used at lower concentrations.

¹High efficiency particulate in air filter (HEPA) means a filter that is at least 99.97 percent efficient against mono-dispersed particles of 0.3 micrometers or larger.

²Combination HEPA/organic vapor cartridges shall be used whenever MDA in liquid form or a process requiring heat is used.

(b) An employee who cannot use a negative-pressure respirator must be given the option of using a positive-pressure respirator, or a supplied-air respirator operated in the continuous-flow or pressure-demand mode.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-17317, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-155-17317, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 93-04-111 (Order 92-15), § 296-155-17317, filed 2/3/93, effective 3/15/93.]

WAC 296-155-174 Cadmium. (1) Scope. This standard applies to all occupational exposures to cadmium and

cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium. Construction work is defined as work involving construction, alteration, and/or repair, including but not limited to the following:

- (a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present;
- (b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints;
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium;
- (d) Cadmium welding; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys;
- (e) Installation of products containing cadmium;
- (f) Electrical grounding with cadmium-welding, or electrical work using cadmium-coated conduit;
- (g) Maintaining or retrofitting cadmium-coated equipment;
- (h) Cadmium contamination/emergency cleanup; and
- (i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(2) Definitions.

(a) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air ($2.5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average (TWA).

(b) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by WISHA or regulations issued under it to be in regulated areas.

(c) Competent person, in accordance with WAC 296-155-012(4), means a person designated by the employer to act on the employer's behalf who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control them in order to protect workers, and has the authority necessary to take prompt corrective measures to eliminate or control such hazards. The duties of a competent person include at least the following: Determining prior to the performance of work whether cadmium is present in the workplace; establishing, where necessary, regulated areas and assuring that access to and from those areas is limited to authorized employees; assuring the adequacy of any employee exposure monitoring required by this standard; assuring that all employees exposed to air cadmium levels above the PEL wear appropriate personal protective equipment and are trained in the use of appropriate methods of exposure control; assuring that proper hygiene facilities are provided and that workers are trained to use those facilities; and assuring that the engineering controls required by this standard are implemented, maintained in proper operating condition, and functioning properly.

(d) Director means the director of the department of labor and industries or authorized representative.

(e) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(f) Final medical determination is the written medical opinion of the employee's health status by the examining physician under subsection (12)(c) through (l) of this section or, if multiple physician review under subsection (12)(m) of this section or the alternative physician determination under subsection (12)(n) of this section is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(g) High-efficiency particulate air (HEPA) filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(h) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

(i) This section means this cadmium standard.

(3) Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

(4) Exposure monitoring

(a) General.

(i) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, material safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

(ii) Where cadmium has been determined to be present in the workplace, and it has been determined that there is a possibility the employee's exposure will be at or above the action level, the competent person shall identify employees potentially exposed to cadmium at or above the action level.

(iii) Determinations of employee exposure shall be made from breathing-zone air samples that reflect the monitored employee's regular, daily 8-hour TWA exposure to cadmium.

(iv) Eight-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing-zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall sample the employee(s) expected to have the highest cadmium exposures.

(b) Specific.

(i) Initial monitoring. Except as provided for in (b)(iii) of this subsection, where a determination conducted under (a)(i) of this subsection shows the possibility of employee exposure to cadmium at or above the action level, the employer shall

conduct exposure monitoring as soon as practicable that is representative of the exposure for each employee in the workplace who is or may be exposed to cadmium at or above the action level.

(ii) In addition, if the employee periodically performs tasks that may expose the employee to a higher concentration of airborne cadmium, the employee shall be monitored while performing those tasks.

(iii) Where the employer has objective data, as defined in subsection (14)(b) of this section, demonstrating that employee exposure to cadmium will not exceed airborne concentrations at or above the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(iv) Where a determination conducted under (a) or (b) of this subsection is made that a potentially exposed employee is not exposed to airborne concentrations of cadmium at or above the action level, the employer shall make a written record of such determination. The record shall include at least the monitoring data developed under (b)(i) through (iii) of this subsection, where applicable, and shall also include the date of determination, and the name and Social Security number of each employee.

(c) Monitoring frequency (periodic monitoring).

(i) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to assure that the monitoring results reflect with reasonable accuracy the employee's typical exposure levels, given the variability in the tasks performed, work practices, and environmental conditions on the job site, and to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls.

(ii) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(d) Additional monitoring. The employer also shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer or competent person has any reason to suspect that any other change might result in such further exposure.

(e) Employee notification of monitoring results.

(i) No later than five working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same time period, the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(ii) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded

and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(f) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25 percent ($\pm 25\%$), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the action level and the permissible exposure limit.

(5) Regulated areas.

(a) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

(b) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area, including employees who are or may be incidentally in the regulated areas, and that protects persons outside the area from exposure to airborne concentrations of cadmium in excess of the PEL.

(c) Access. Access to regulated areas shall be limited to authorized persons.

(d) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with subsection (7)(b) of this section.

(e) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, or carry the products associated with any of these activities into regulated areas or store such products in those areas.

(6) Methods of compliance.

(a) Compliance hierarchy.

(i) Except as specified in (a)(ii) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(ii) The requirement to implement engineering controls to achieve the PEL does not apply where the employer demonstrates the following:

(A) The employee is only intermittently exposed; and

(B) The employee is not exposed above the PEL on 30 or more days per year (12 consecutive months).

(iii) Wherever engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of subsection (7) of this section and the PEL.

(iv) The employer shall not use employee rotation as a method of compliance.

(b) Specific operations.

(i) Abrasive blasting. Abrasive blasting on cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection.

(ii) Heating cadmium and cadmium-containing materials. Welding, cutting, and other forms of heating of cadmium or cadmium-containing materials shall be conducted in

accordance with the requirements of WAC 296-155-415 and 296-155-420, where applicable.

(c) Prohibitions.

(i) High speed abrasive disc saws and similar abrasive power equipment shall not be used for work on cadmium or cadmium-containing materials unless they are equipped with appropriate engineering controls to minimize emissions, if the exposure levels are above the PEL.

(ii) Materials containing cadmium shall not be applied by spray methods, if exposures are above the PEL, unless employees are protected with supplied-air respirators with full facepiece, hood, helmet, suit, operated in positive pressure mode and measures are instituted to limit overspray and prevent contamination of adjacent areas.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(ii) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(iii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(iv) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(e) Compliance program.

(i) Where employee exposure to cadmium exceeds the PEL and the employer is required under (a) of this subsection to implement controls to comply with the PEL, prior to the commencement of the job the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(ii) Written compliance programs shall be reviewed and updated as often and as promptly as necessary to reflect significant changes in the employer's compliance status or significant changes in the lowest air cadmium level that is technologically feasible.

(iii) A competent person shall review the comprehensive compliance program initially and after each change.

(iv) Written compliance programs shall be provided upon request for examination and copying to the director, or authorized representatives, affected employees, and designated employee representatives.

(7) Respirator protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this section. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls when employee exposures exceed the PEL.

(ii) Maintenance and repair activities, and brief or intermittent operations, for which employee exposures exceed the PEL and engineering and work-practice controls are not feasible or are not required.

(iii) Work operations in regulated areas specified in subsection (5) of this section.

(iv) Work operations for which the employer has implemented all feasible engineering and work-practice controls, and such controls are not sufficient to reduce exposures to or below the PEL.

(v) Emergencies.

(vi) Work operations for which an employee, who is exposed to cadmium at or above the action level, requests a respirator.

(vii) Work operations for which engineering controls are not required under (a)(ii) of this subsection to reduce employee exposures that exceed the PEL.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (12)(f)(ii) of this section to determine if the employee can use a respirator while performing the required duties.

(iii) No employees must use a respirator when, based on their recent medical examination, the examining physician determines that the employee will be unable to continue to function normally while using a respirator. If the physician determines the employee must be limited in, or removed from, their current job because of the employee's inability to use a respirator, the job limitation or removal must be conducted as required by (k) and (l) of this subsection.

(c) Respirator selection.

(i) The employer must select the appropriate respirator from Table 1 of this section.

Table 1 Respiratory Protection for Cadmium	
Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half-mask, air-purifying respirator equipped with a HEPA ^c filter. ^d
25 x or less	A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.

Table 1

Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half-mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half-mask operated in the continuous flow mode.
250 x or less	A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.
1000 x or less	A supplied-air respirator with half-mask or full facepiece operated in the pressure demand or other positive pressure mode.
>1000 x or unknown concentrations	A self-contained breathing apparatus with a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.
Fire fighting	A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

Note: ^aConcentrations expressed as multiple of the PEL.

^bRespirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$). A full facepiece respirator is required when eye irritation is experienced.

^cHEPA means High Efficiency Particulate Air.

^dFit testing, qualitative or quantitative, is required.

Source: Respiratory Decision Logic, NIOSH, 1987.

(ii) The employer shall provide a powered, air-purifying respirator (PAPR) instead of a negative-pressure respirator when an employee entitled to a respirator chooses to use this type of respirator and such a respirator will provide adequate protection to the employee.

(8) Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate

respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

(9) Protective work clothing and equipment

(a) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, head coverings, and boots or foot coverings; and

(iii) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-155-215.

(b) Removal and storage.

(i) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with subsection (10)(a) of this section.

(ii) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(iii) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(iv) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (13)(c) of this section.

(c) Cleaning, replacement, and disposal.

(i) The employer shall provide the protective clothing and equipment required by (a) of this subsection in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this subsection to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(ii) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(iii) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(iv) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equip-

ment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in subsection (3) of this section.

(v) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium, and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

(10) Hygiene areas and practices.

(a) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-155-140.

(b) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(c) Showers and handwashing facilities.

(i) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL shower during the end of the work shift.

(ii) The employer shall assure that employees who are exposed to cadmium above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(d) Lunchroom facilities.

(i) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(ii) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

(11) Housekeeping.

(a) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(b) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(c) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(d) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(g) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium

and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with subsection (13)(b) of this section.

(12) Medical surveillance.

(a) General.

(i) Scope.

(A) Currently exposed—The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level and all employees who perform the following tasks, operations, or jobs: Electrical grounding with cadmium-welding; cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints; electrical work using cadmium-coated conduit; use of cadmium containing paints; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys; fusing of reinforced steel by cadmium welding; maintaining or retrofitting cadmium-coated equipment; and, wrecking and demolition where cadmium is present. A medical surveillance program will not be required if the employer demonstrates that the employee:

(I) Is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 30 or more days per year (twelve consecutive months); and

(II) Is not currently exposed by the employer in those tasks on 30 or more days per year (twelve consecutive months).

(B) Previously exposed—The employer shall also institute a medical surveillance program for all employees who might previously have been exposed to cadmium by the employer prior to the effective date of this section in tasks specified under (a)(i)(A) of this subsection, unless the employer demonstrates that the employee did not in the years prior to the effective date of this section work in those tasks for the employer with exposure to cadmium for an aggregated total of more than 12 months.

(ii) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in (f) of this subsection.

(iii) The employer shall assure that all medical examinations and procedures required by this section are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, Appendix A, the regulatory text of this section, the protocol for sample handling and lab selection in WAC 296-62-07451, Appendix F, and the questionnaire of WAC 296-62-07447, Appendix D.

(iv) The employer shall provide the medical surveillance required by this section, including multiple physician review under (m) of this subsection without cost to employees, and at a time and place that is reasonable and convenient to employees.

(v) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is performed in laboratory

ries with demonstrated proficiency to perform the particular analysis. (See WAC 296-62-07451, Appendix F.)

(b) Initial examination.

(i) For employees covered by medical surveillance under (a)(i) of this subsection, the employer shall provide an initial medical examination. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

(ii) The initial medical examination shall include:

(A) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(B) Biological monitoring that includes the following tests:

(I) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(II) Beta-2 microglobulin in urine (B₂-M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, Appendix F; and

(III) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(iii) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of (c) and (d) of this subsection.

(c) Actions triggered by initial biological monitoring.

(i) If the results of the biological monitoring tests in the initial examination show the employee's CdU level to be at or below 3 µg/g Cr, B₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then:

(A) For employees who are subject to medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in (d)(i) of this subsection; and

(B) For employees who are subject to medical surveillance under (a)(i)(B) of this subsection because of prior but not current exposure, the employer shall provide biological monitoring for CdU, B₂-M, and CdB one year after the initial biological monitoring and then the employer shall comply with the requirements of (d)(vi) of this subsection.

(ii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of B₂-M to be in excess of 300 µg/g Cr, or the level of CdB to be in excess of 5 µg/lwb, the employer shall:

(A) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(I) Reassess the employee's work practices and personal hygiene;

(II) Reevaluate the employee's respirator use, if any, and the respirator program;

(III) Review the hygiene facilities;

(IV) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(V) Assess the employee's smoking history and status;

(B) Within 30 days after the exposure reassessment, specified in (c)(ii)(A) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and

(C) Within 90 days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(I) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a semiannual basis; and

(II) Provide annual medical examinations in accordance with (d)(ii) of this subsection.

(iii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of B₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or B₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(iv) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (c)(iii) of this subsection, whenever the results of initial biological monitoring tests show the employee's CdU level to be in excess of 7 µg/g Cr, or B₂-M level to be in excess of 750 µg/g Cr, or CdB level to be in excess of 10 µg/lwb, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or B₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(d) Periodic medical surveillance.

(i) For each employee who is covered by medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by (b) of this subsection and thereafter at least biennially. Biological sampling shall be provided at least annually either as part of a periodic medical examination or separately as periodic biological monitoring.

(ii) The periodic medical examination shall include:

(A) A detailed medical and work history, or update thereof, with emphasis on: Past, present, and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and

work history, for employees who wear respirators, questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(C) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest X ray (after the initial X ray, the frequency of chest X rays is to be determined by the examining physician);

(D) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(E) Biological monitoring, as required in (b)(ii)(B) of this subsection;

(F) Blood analysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including blood urea nitrogen, complete blood count, and serum creatinine;

(G) Urinalysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including the determination of albumin, glucose, and total and low molecular weight proteins;

(H) For males over 40 years old, prostate palpation, or other at least as effective diagnostic test(s); and

(I) Any additional tests or procedures deemed appropriate by the examining physician.

(iii) Periodic biological monitoring shall be provided in accordance with (b)(ii)(B) of this subsection.

(iv) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, B₂-M, or CdB to be in excess of the levels specified in (c)(ii) and (iii) of this subsection; or, beginning on January 1, 1999, in excess of the levels specified in (c)(ii) or (iv) of this subsection, the employer shall take the appropriate actions specified in (c)(ii) through (iv) of this subsection, respectively.

(v) For previously exposed employees under (a)(i)(B) of this subsection:

(A) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and B₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the follow-up biological monitoring required by (c)(i)(B) of this subsection one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(B) If the initial biological monitoring results for CdU, CdB, or B₂-M were in excess of the levels specified in (c)(i) of this subsection, but subsequent biological monitoring results required by (c)(ii) through (iv) of this subsection show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and B₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and B₂-M one year after these most recent biological monitoring results. If the results of the follow-up biological monitoring specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(C) However, if the results of the follow-up tests specified in (d)(v)(A) or (B) of this subsection indicate that the level of the employee's CdU, B₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (d)(ii) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(vi) A routine, biennial medical examination is not required to be provided in accordance with (c)(i) and (d) of this subsection if adequate medical records show that the employee has been examined in accordance with the requirements of (d)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(e) Actions triggered by medical examinations. If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under (b), (c), or (d) of this subsection, the employer shall take the following steps and continue to take them until the physician determines that they are no longer necessary.

(i) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; the maintenance and effectiveness of the relevant engineering controls; and take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium.

(ii) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(iii) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(f) Examination for respirator use.

(i) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (f)(i)(A) through (D) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding 12 months that satisfies the requirements of this section.

(A) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculo-skeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A blood pressure test;

(C) Biological monitoring of the employee's levels of CdU, CdB and B₂-M in accordance with the requirements of (b)(ii)(B) of this subsection, unless such results already have been obtained within the twelve months; and

(D) Any other test or procedure that the examining physician deems appropriate.

(ii) After reviewing all the information obtained from the medical examination required in (f)(i) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(iii) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with (d)(ii) of this subsection to determine the employee's fitness to wear a respirator.

(iv) Where the results of the examination required under (f)(i), (ii), or (iii) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(g) Emergency examinations.

(i) In addition to the medical surveillance required in (b) through (f) of this subsection, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(ii) The examination shall include the requirements of (d)(ii), of this subsection, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in Appendix A, WAC 296-62-07441 (2)(b)(i) and (ii) and (4).

(h) Termination of employment examination.

(i) At termination of employment, the employer shall provide a medical examination in accordance with (d)(ii) of this subsection, including a chest X ray where necessary, to any employee to whom at any prior time the employer was required to provide medical surveillance under (a)(i) or (g) of this subsection. However, if the last examination satisfied the requirements of (d)(ii) of this subsection and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in (c) or (e) of this subsection;

(ii) In addition, if the employer has discontinued all periodic medical surveillance under (d)(v) of this subsection, no termination of employment medical examination is required.

(i) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and appendices;

(ii) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(iii) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(iv) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(v) Relevant results of previous biological monitoring and medical examinations.

(j) Physician's written medical opinion.

(i) The employer shall promptly obtain a written, signed, medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(A) The physician's diagnosis for the employee;

(B) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(C) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(D) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(E) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(ii) The employer shall promptly obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under (b) and (d) of this subsection, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(iii) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(k) Medical removal protection (MRP).

(i) General.

(A) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under (c), (d), or (f) of this subsection and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(B) The employer shall medically remove an employee in accordance with (k) of this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(C) Whenever an employee is medically removed under (k) of this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in subsection (12) of this section as soon as one becomes available.

(D) For any employee who is medically removed under the provisions of (k)(i) of this subsection, the employer shall provide follow-up medical examinations semiannually until, in a written medical opinion, the examining physician deter-

mines that either the employee may be returned to his/her former job status or the employee must be permanently removed from excess cadmium exposure.

(E) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(ii) Where an employee is found unfit to wear a respirator under (f)(ii) of this subsection, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(iii) Where removal is based upon any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(iv) Except as specified in (k)(v) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or B₂-M exceeded the trigger levels in (c) or (d) of this subsection may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB fall to or below 5 µg/lwb, and B₂-M fall to or below 300 µg/g Cr.

(v) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter and until such time as the employee's biological monitoring results have decreased to levels where he/she could have been returned to his/her former job status, the returned employee shall continue medical surveillance as if he/she were still on medical removal. Until such time, the employee is no longer subject to mandatory medical removal. Subsequent questions regarding the employee's medical removal shall be decided solely by a final medical determination.

(vi) Where an employer, although not required by this section to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under (l) of this subsection as would have been provided had the removal been required under (k) of this subsection.

(l) Medical removal protection benefits.

(i) The employer shall provide medical removal protection benefits to an employee for up to a maximum of 18 months each time, and while the employee is temporarily medically removed under (k) of this subsection.

(ii) For purposes of this section, the requirement that the employer provide medical removal protection benefits means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(iii) Where, after 18 months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(B) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(iv) The employer may condition the provision of medical removal protection benefits upon the employee's participation in medical surveillance provided in accordance with this section.

(m) Multiple physician review.

(i) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(A) Review any findings, determinations, or recommendations of the initial physician; and

(B) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen (15) days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(A) Informing the employer that he or she intends to seek a medical opinion; and

(B) Initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(A) Review any findings, determinations, or recommendations of the other two physicians; and

(B) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(v) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement

that is consistent with the recommendations of at least one of the other two physicians.

(n) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by (m) of this subsection, so long as the alternative is expeditious and at least as protective of the employee.

(o) Information the employer must provide the employee.

(i) The employer shall provide a copy of the physician's written medical opinion to the examined employee within five working days after receipt thereof.

(ii) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within five working days after receipt thereof.

(iii) Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under (i) of this subsection.

(p) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Bureau of Labor Statistics Recordkeeping Guidelines for Occupational Injuries and Illnesses.

(13) Communication of cadmium hazards to employees

(a) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) Warning signs.

(i) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(ii) Warning signs required by (b)(i) of this subsection shall bear the following information:

Danger, Cadmium, Cancer Hazard, Can Cause Lung and
Kidney Disease, Authorized Personnel Only, Respirators
Required in This Area

(iii) The employer shall assure that signs required by this section are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(c) Warning labels.

(i) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (c)(ii) of this subsection.

(ii) The warning labels shall include at least the following information:

Danger, Contains Cadmium, Cancer Hazard, Avoid Creating Dust, Can Cause Lung and Kidney Disease

(iii) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(d) Employee information and training.

(i) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(ii) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(iii) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(A) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(B) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(C) The engineering controls and work practices associated with the employee's job assignment;

(D) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(E) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(F) The purpose and a description of the medical surveillance program required by subsection (12) of this section;

(G) The contents of this section and its appendices; and

(H) The employee's rights of access to records under chapter 296-62 WAC, Part B.

(iv) Additional access to information and training program and materials.

(A) The employer shall make a copy of this section and its appendices readily available to all affected employees and shall provide a copy without cost if requested.

(B) Upon request, the employer shall provide to the director or authorized representative, all materials relating to the employee information and the training program.

(e) Multiemployer workplace. In a multiemployer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify those employers of the potential hazard in accordance with WAC 296-800-170 of the chemical hazard communication program standard.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(ii) This record shall include at least the following information:

(A) The monitoring date, shift, duration, air volume, and results in terms of an 8-hour TWA of each sample taken, and if cadmium is not detected, the detection level;

(B) The name, Social Security number, and job classification of all employees monitored and of all other employees whose exposures the monitoring result is intended to represent, including, where applicable, a description of how it was determined that the employee's monitoring result could be taken to represent other employee's exposures;

(C) A description of the sampling and analytical methods used and evidence of their accuracy;

(D) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent;

(E) A notation of any other conditions that might have affected the monitoring results;

(F) Any exposure monitoring or objective data that were used and the levels.

(iii) The employer shall maintain this record for at least thirty (30) years, in accordance with chapter 296-802 WAC.

(iv) The employer shall also provide a copy of the results of an employee's air monitoring prescribed in subsection (4) of this section to an industry trade association and to the employee's union, if any, or, if either of such associations or unions do not exist, to another comparable organization that is competent to maintain such records and is reasonably accessible to employers and employees in the industry.

(b) Objective data for exemption from requirement for initial monitoring.

(i) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product test results from manufacturers of cadmium-containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(ii) The employer shall maintain the record for at least 30 years of the objective data relied upon.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under (a)(i) of this subsection.

(ii) The record shall include at least the following information about the employee:

(A) Name, Social Security number, and description of duties;

(B) A copy of the physician's written opinions and of the explanation sheets for biological monitoring results;

(C) A copy of the medical history, and the results of any physical examination and all test results that are required to be provided by this section, including biological tests, X rays, pulmonary function tests, etc., or that have been obtained to further evaluate any condition that might be related to cadmium exposure;

(D) The employee's medical symptoms that might be related to exposure to cadmium; and

(E) A copy of the information provided to the physician as required by subsection (12)(i) of this section.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with chapter 296-802 WAC.

(iv) At the employee's request, the employer shall promptly provide a copy of the employee's medical record, or update as appropriate, to a medical doctor or a union specified by the employee.

(d) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one (1) year beyond the date of training of that employee.

(e) Availability.

(i) Except as otherwise provided for in this section, access to all records required to be maintained by (a) through (d) of this subsection shall be in accordance with the provisions of chapter 296-802 WAC.

(ii) Within 15 days after a request, the employer shall make an employee's medical records required to be kept by (c) of this subsection available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(f) Transfer of records. Whenever an employer ceases to do business and there is no successor employer or designated organization to receive and retain records for the prescribed period, the employer shall comply with the requirements concerning transfer of records set forth in chapter 296-802 WAC.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to cadmium.

(b) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

(16) Appendices.

(a) Compliance with the fit testing requirements in WAC 296-842-15005 are mandatory.

(b) Except where portions of WAC 296-62-07441, 296-62-07443, 296-62-07447, 296-62-07449, and 296-62-07451, Appendices A, B, D, E, and F, respectively, to this section are expressly incorporated in requirements of this section, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-155-174, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-155-174, filed 4/27/04, effective 8/1/04. Statutory Authority: RCW

49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-155-174, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-155-174, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-155-174, filed 7/20/94, effective 9/20/94; 93-21-075 (Order 93-06), § 296-155-174, filed 10/20/93, effective 12/1/93; 93-07-044 (Order 93-01), § 296-155-174, filed 3/13/93, effective 4/27/93.]

WAC 296-155-17613 Respiratory protection. (1)

General. For employees who use respirators required by WAC 296-155-176, the employer must provide respirators that comply with the requirements of this section. Respirators must be used during:

(a) Periods when an employee's exposure to lead exceeds the PEL.

(b) Work operations for which engineering controls and work-practices are not sufficient to reduce employee exposures to or below the PEL.

(c) Periods when an employee requests a respirator.

(d) Periods when respirators are required to provide interim protection of employees while they perform the operations as specified in WAC 296-155-17609(2).

(2) Respirator program.

(a) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(b) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by WAC 296-155-17621 (3)(a)(ii) to determine whether or not the employee can use a respirator while performing the required duty.

(3) Respirator selection.

(a) The employer must select the appropriate respirator or combination of respirators from Table I of this section.

(b) The employer must provide a powered air-purifying respirator when an employee chooses to use such a respirator and it will provide adequate protection to the employee.

Table I.— Respiratory Protection for Lead Aerosols

Airborne concentration of lead or condition of use	Required respirator ^a
Not in excess of 500 µg/m ³	1/2 mask air purifying respirator with high efficiency filters. ^{b, c}
Not in excess of 1,250 µg/m ³	1/2 mask supplied air respirator operated in demand (negative pressure) mode. Loose fitting hood or helmet powered air purifying respirator with high efficiency filters. ^c Hood or helmet supplied air respirator operated in a continuous-flow mode—e.g., type CE abrasive blasting respirators operated in a continuous-flow mode.
Not in excess of 2,500 µg/m ³	Full facepiece air purifying respirator with high efficiency filters. ^c Tight fitting powered air purifying respirator with high efficiency filters. ^c Full facepiece supplied air respirator operated in demand mode. 1/2 mask or full facepiece supplied air respirator operated in a continuous-flow mode. Full facepiece self-contained breathing apparatus (SCBA) operated in demand mode.
Not in excess of 50,000 µg/m ³	1/2 mask supplied air respirator operated in pressure demand or other positive-pressure mode.

Airborne concentration of lead or condition of use
Not in excess of 100,000 µg/m

Required respirator ^a

Full facepiece supplied air respirator operated in pressure demand or other positive-pressure mode—e.g., type CE abrasive blasting respirators operated in a positive-pressure mode.

Greater than 100,000 µg/m³
unknown concentration, or fire fighting

Full facepiece SCBA operated in pressure demand or other positive pressure mode.

- ^a Respirators specified for higher concentrations can be used at lower concentrations of lead.
- ^b Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.
- ^c A high efficiency particulate filter (HEPA) means a filter that is 99.97 percent efficient against particles of 0.3 micron size or larger.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-17613, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-155-17613, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 93-22-054 (Order 93-07), § 296-155-17613, filed 10/29/93, effective 12/10/93.]

WAC 296-155-17625 Employee information and training. (1) General.

(a) The employer shall communicate information concerning lead hazards according to the requirements of WISHA's Hazard Communication Standard for the construction industry, chapter 296-800 WAC, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) For all employees who are subject to exposure to lead at or above the action level on any day or who are subject to exposure to lead compounds which may cause skin or eye irritation (e.g., lead arsenate, lead azide), the employer shall provide a training program in accordance with subsection (2) of this section and assure employee participation.

(c) The employer shall provide the training program as initial training prior to the time of job assignment or prior to the start up date for this requirement, whichever comes last.

(d) The employer shall also provide the training program at least annually for each employee who is subject to lead exposure at or above the action level on any day.

(2) Training program. The employer shall assure that each employee is trained in the following:

(a) The content of this standard and its appendices;

(b) The specific nature of the operations which could result in exposure to lead above the action level;

(c) The training requirements for respiratory protection as required by WAC 296-842-110, 296-842-19005, and 296-842-16005;

(d) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females and hazards to the fetus and additional precautions for employees who are pregnant);

(e) The engineering controls and work practices associated with the employee's job assignment including training of

employees to follow relevant good work practices described in Appendix B, WAC 296-155-17652;

(f) The contents of any compliance plan in effect;

(g) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician; and

(h) The employee's right of access to records under Part B, chapter 296-62 WAC and chapter 296-800 WAC.

(3) Access to information and training materials.

(a) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(b) The employer shall provide, upon request, all materials relating to the employee information and training program to affected employees and their designated representatives, and the director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-155-17625, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-155-17625, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-155-17625, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-155-17625, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 93-22-054 (Order 93-07), § 296-155-17625, filed 10/29/93, effective 12/10/93.]

WAC 296-155-17652 Appendix B to WAC 296-155-176—Employee standard summary. This appendix summarizes key provisions of the standard for lead in construction that you as a worker should become familiar with.

(1) Permissible exposure limit (PEL)—WAC 296-62-17607.

The standard sets a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter of air (50 µg/m³), averaged over an 8-hour workday which is referred to as a time-weighted average (TWA). This is the highest level of lead in air to which you may be permissibly exposed over an 8-hour workday. However, since this is an 8-hour average, short exposures above the PEL are permitted so long as for each 8-hour work day your average exposure does not exceed this level. This standard, however, takes into account the fact that your daily exposure to lead can extend beyond a typical 8-hour workday as the result of overtime or other alterations in your work schedule. To deal with this situation, the standard contains a formula which reduces your permissible exposure when you are exposed more than 8 hours. For example, if you are exposed to lead for 10 hours a day, the maximum permitted average exposure would be 40 µg/m³.

(2) Exposure assessment—WAC 296-155-17609.

If lead is present in your workplace in any quantity, your employer is required to make an initial determination of whether any employee's exposure to lead exceeds the action level (30 µg/m³ averaged over an 8-hour day). Employee exposure is that exposure which would occur if the employee were not using a respirator. This initial determination requires your employer to monitor workers' exposures unless the employee has objective data which can demonstrate conclusively that no employee will be exposed to lead in excess of the action level. Where objective data is used in lieu of actual monitoring the employer must establish and maintain an accurate record, documenting its relevancy in assessing exposure levels for current job conditions. If such objective

data is available, the employer need proceed no further on employee exposure assessment until such time that conditions have changed and the determination is no longer valid.

Objective data may be compiled from various sources, e.g., insurance companies and trade associations and information from suppliers or exposure data collected from similar operations. Objective data may also comprise previously-collected sampling data including area monitoring. If it cannot be determined through using objective data that worker exposure is less than the action level, your employer must conduct monitoring or must rely on relevant previous personal sampling, if available. Where monitoring is required for the initial determination, it may be limited to a representative number of employees who are reasonably expected to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past 12 months, they may use these results, provided they are applicable to the same employee tasks and exposure conditions and meet the requirements for accuracy as specified in the standard. As with objective data, if such results are relied upon for the initial determination, your employer must establish and maintain a record as to the relevancy of such data to current job conditions.

If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirator, over the action level, your employer must set up an air monitoring program to determine the exposure level representative of each employee exposed to lead at your workplace. In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but they must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represent full shift exposure. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead. Sampling performed in the past 12 months may be used to determine exposures above the action level if such sampling was conducted during work activities essentially similar to present work conditions.

The standard lists certain tasks which may likely result in exposures to lead in excess of the PEL and, in some cases, exposures in excess of 50 times the PEL. If you are performing any of these tasks, your employer must provide you with appropriate respiratory protection, protective clothing and equipment, change areas, hand washing facilities, biological monitoring, and training until such time that an exposure assessment is conducted which demonstrates that your exposure level is below the PEL.

If you are exposed to lead and air sampling is performed, your employer is required to notify you in writing within 5 working days of the air monitoring results which represent your exposure. If the results indicate that your exposure exceeds the PEL (without regard to your use of a respirator), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that has been taken or will be taken to reduce your exposure.

Your exposure must be rechecked by monitoring, at least every six months if your exposure is at or over the action level but below the PEL. Your employer may discontinue monitoring for you if 2 consecutive measurements, taken at least 7 days apart, are at or below the action level. Air monitoring must be repeated every 3 months if you are exposed over the PEL. Your employer must continue monitoring for you at this frequency until 2 consecutive measurements, taken at least 7 days apart, are below the PEL but above the action level, at which time your employer must repeat monitoring of your exposure every six months and may discontinue monitoring only after your exposure drops to or below the action level. However, whenever there is a change of equipment, process, control, or personnel or a new type of job is added at your workplace which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(3) Methods of compliance—WAC 296-155-17611.

Your employer is required to assure that no employee is exposed to lead in excess of the PEL as an 8-hour TWA. The standard for lead in construction requires employers to institute engineering and work practice controls including administrative controls to the extent feasible to reduce employee exposure to lead. Where such controls are feasible but not adequate to reduce exposures below the PEL they must be used nonetheless to reduce exposures to the lowest level that can be accomplished by these means and then supplemented with appropriate respiratory protection.

Your employer is required to develop and implement a written compliance program prior to the commencement of any job where employee exposures may reach the PEL as an 8-hour TWA. The standard identifies the various elements that must be included in the plan. For example, employers are required to include a description of operations in which lead is emitted, detailing other relevant information about the operation such as the type of equipment used, the type of material involved, employee job responsibilities, operating procedures and maintenance practices. In addition, your employer's compliance plan must specify the means that will be used to achieve compliance and, where engineering controls are required, include any engineering plans or studies that have been used to select the control methods. If administrative controls involving job rotation are used to reduce employee exposure to lead, the job rotation schedule must be included in the compliance plan. The plan must also detail the type of protective clothing and equipment, including respirator, housekeeping and hygiene practices that will be used to protect you from the adverse effects of exposure to lead.

The written compliance program must be made available, upon request, to affected employees and their designated representatives, and the director.

Finally, the plan must be reviewed and updated at least every 6 months to assure it reflects the current status in exposure control.

(4) Respiratory protection—WAC 296-155-17613.

Your employer is required to select respirator from the types listed in Table I of the Respiratory Protection section of the standard (see WAC 296-155-17613). Any respirator chosen must be certified by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your

employer to choose a type of respirator that will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your workplace. For example, a powered air-purifying respirator (PAPR) is much more protective than a typical negative pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge, or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

Your employer must also start a Respiratory Protection Program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirator.

Your employer must ensure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection from airborne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as specified in WAC 296-842-15005.

(5) Protective work clothing and equipment—WAC 296-155-17615.

If you are exposed to lead above the PEL as an 8-hour TWA, without regard to your use of a respirator, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu\text{g}/\text{m}^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. In addition, your employer is responsible for providing repairs and replacement as necessary, and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment.

The standard requires that your employer assure that you follow good work practices when you are working in areas where your exposure to lead may exceed the PEL. With respect to protective clothing and equipment, where appropriate, the following procedures should be observed prior to beginning work:

- ◆ Change into work clothing and shoe covers in the clean section of the designated changing areas;
- ◆ Use work garments of appropriate protective gear, including respirator before entering the work area; and
- ◆ Store any clothing not worn under protective clothing in the designated changing area.

Workers should follow these procedures upon leaving the work area:

- ◆ HEPA vacuum heavily contaminated protective work clothing while it is still being worn. At no time may lead be removed from protective clothing by any means which result in uncontrolled dispersal of lead into the air;
- ◆ Remove shoe covers and leave them in the work area;
- ◆ Remove protective clothing and gear in the dirty area of the designated changing area. Remove protective coveralls by carefully rolling down the garment to reduce exposure to dust.
- ◆ Remove respirator last; and
- ◆ Wash hands and face.

Workers should follow these procedures upon finishing work for the day (in addition to procedures described above):

- ◆ Where applicable, place disposal coveralls and shoe covers with the abatement waste;
- ◆ Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room.
- ◆ Clean protective gear, including respirator, according to standard procedures;
- ◆ Wash hands and face again.

If showers are available, take a shower and wash hair. If shower facilities are not available at the work site, shower immediately at home and wash hair.

(6) Housekeeping—WAC 296-155-17617.

Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is generally prohibited unless removal with compressed air is done in conjunction with ventilation systems designed to contain dispersal of the lead dust. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used equipped with a special filter called a high-efficiency particulate air (HEPA) filter and emptied in a manner which minimizes the reentry of lead into the workplace.

(7) Hygiene facilities and practices—WAC 296-155-17619.

The standard requires that hand washing facilities be provided where occupational exposure to lead occurs. In addition, change areas, showers (where feasible), and lunchrooms or eating areas are to be made available to workers exposed to lead above the PEL. Your employer must assure that except in these facilities, food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, where airborne exposures are above the PEL. Change rooms provided by your employer must be equipped with separate storage facilities for your protective clothing and equipment and street clothes to avoid cross-contamination. After showering, no required protective clothing or equipment worn during the shift may be worn home. It is important that contaminated clothing or equipment be removed in change areas and not be worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc.

Lunchrooms or eating areas may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth, or other cleaning method. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes, or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(8) Medical surveillance—WAC 296-155-17621.

The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have affectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers:

- ◆ Who have high body burdens of lead acquired over past years,
- ◆ Who have additional uncontrolled sources of nonoccupational lead exposure,
- ◆ Who exhibit unusual variations in lead absorption rates, or
- ◆ Who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia).

In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability—regardless of whether you are a man or woman.

All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts—periodic biological monitoring and medical examinations. Your employer's obligation to offer you medical surveillance is triggered by the results of the air monitoring program. Full medical surveillance must be made available to all employees who are or may be exposed to lead in excess of the action level for more than 30 days a year and whose blood lead level exceeds 40 µg/dl. Initial medical surveillance consisting of blood sampling and analysis for lead and zinc protoporphyrin must be provided to all employees exposed at any time (1 day) above the action level.

Biological monitoring under the standard must be provided at least every 2 months for the first 6 months and every 6 months thereafter until your blood lead level is below 40 µg/dl. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an adverse metabolic effect of lead on your body and is therefore an indicator of lead toxicity.

If your BLL exceeds 40 µg/dl the monitoring frequency must be increased from every 6 months to at least every 2 months and not reduced until two consecutive BLLs indicate a blood lead level below 40 µg/dl. Each time your BLL is determined to be over 40 µg/dl, your employer must notify you of this in writing within five working days of their receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your BLL exceeds 50 µg/dl. (See Discussion of medical removal protection—WAC 296-155-17623.) Anytime your BLL exceeds 50 µg/dl your employer must make available to you within two weeks of receipt of these test results a second follow-up BLL test to confirm your BLL. If the two tests both exceed 50 µg/dl, and you are temporarily removed, then your employer must make successive BLL tests available to you on a monthly basis during the period of your removal.

Medical examinations beyond the initial one must be made available on an annual basis if your blood lead level exceeds 40 µg/dl at any time during the preceding year and you are being exposed above the airborne action level of 30 µg/m³ for 30 or more days per year. The initial examination will provide information to establish a baseline to which subsequent data can be compared.

An initial medical examination to consist of blood sampling and analysis for lead and zinc protoporphyrin must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level at any time. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard. (See subsection (9), below.)

The standard specifies the minimum content of preassignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Preassignment and annual medical examinations must include:

- ◆ A detailed work history and medical history;
- ◆ A thorough physical examination, including an evaluation of your pulmonary status if you will be required to use a respirator;
- ◆ A blood pressure measurement; and
- ◆ A series of laboratory tests designed to check your blood chemistry and your kidney function.

In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

The standard does not require that you participate in any of the medical procedures, tests, etc. which your employer is

required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. The standard contains a multiple physician review mechanism which will give you a chance to have a physician of your choice directly participate in the medical surveillance program. If you are dissatisfied with an examination by a physician chosen by your employer, you can select a second physician to conduct an independent analysis. The two doctors would attempt to resolve any differences of opinion, and select a third physician to resolve any firm dispute. Generally your employer will choose the physician who conducts medical surveillance under the lead standard—unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

The standard requires your employer to provide certain information to a physician to aid in their examination of you. This information includes:

- ◆ The standard and its appendices,
- ◆ A description of your duties as they relate to occupational lead exposure,
- ◆ Your exposure level or anticipated exposure level,
- ◆ A description of any personal protective equipment you wear,
- ◆ Prior blood lead level results, and
- ◆ Prior written medical opinions concerning you that the employer has.

After a medical examination or consultation the physician must prepare a written report which must contain:

- ◆ The physician's opinion as to whether you have any medical condition which places you at increased risk of material impairment to health from exposure to lead,
- ◆ Any recommended special protective measures to be provided to you,
- ◆ Any blood lead level determinations, and
- ◆ Any recommended limitation on your use of respirator.

This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true, these workers might have legal rights to compensation from public agencies, their employers, firms that supply hazardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker who learns of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal reme-

dies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand, it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂ EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be "safe." It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation involved giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

(9) Medical removal protection—WAC 296-155-17623.

Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when, for whatever reasons, other methods, such as engineering controls, work practices, and respirator, have failed to provide the protection you need. MRP involves the temporary removal of a worker from their regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights or benefits. The purpose of this program is to cease further lead absorp-

tion and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. For up to 18 months, or for as long as the job the employee was removed from lasts, protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires.

You may also be removed from exposure even if your blood lead level is below 50 μ /dl if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employers medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the doctor indicates that it is safe for you to do so.

The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a removed worker is provided no right to veto an employer's choice which satisfies the standard.

In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or they may be temporarily laid off if no other alternative is feasible.

In all of these situation, MRP benefits must be provided during the period of removal—i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings includes more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the doctor believes to be appropriate. If you do not participate in this follow up medical surveillance, you may lose your eligibility for MRP benefits.

When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost

wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirator cannot be used as a substitute. Respirator may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(10) Employee information and training—WAC 296-155-17625.

Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead compounds such as lead arsenate or lead azide. The program must train these employees regarding the specific hazards associated with their work environment, protective measures which can be taken, including the contents of any compliance plan in effect, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. All employees must be trained prior to initial assignment to areas where there is a possibility of exposure over the action level.

This training program must also be provided at least annually thereafter unless further exposure above the action level will not occur.

(11) Signs—WAC 296-155-17627.

The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

These signs are to be posted and maintained in a manner which assures that the legend is readily visible.

(12) Recordkeeping—WAC 296-155-17629.

Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytical techniques, the results of this sampling, and the type of respiratory protection being worn by the person sampled. Such records are to be retained for at least 30 years. Your employer is also required to keep all records of biological monitoring and medical examination results. These records must include the names of the employees, the physician's written opinion, and a copy of the results of the examination. Medical records must be preserved and maintained for the duration of employment plus 30 years. However, if the employee's duration of employment is less than one year, the employer need not retain that employee's medical records beyond the period of employment if they are provided to the employee upon termination of employment.

Recordkeeping is also required if you are temporarily removed from your job under the medical removal protection

program. This record must include your name and Social Security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than BLL's must also be provided upon request to you, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(13) Observation of monitoring—WAC 296-155-17631.

When air monitoring for lead is performed at your workplace as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the area that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

(14) Startup date—WAC 296-155-17635.

Employer obligations under the standard begin as of that date with full implementation of engineering controls as soon as possible but no later than within 4 months, and all other provisions completed as soon as possible, but no later than within 2 months from the effective date.

(15) For additional information.

(a) A copy of the standard for lead in construction can be obtained free of charge by calling or writing to the department of labor and industries, Post Office Box 44620, Mailstop 44620, Olympia, Washington 98504-4620: Telephone (360) 956-5527.

(b) Additional information about the standard, its enforcement, and your employer's compliance can be obtained from the nearest office listed in your telephone directory under the state of Washington, department of labor and industries.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-155-17652, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050, 99-10-071, § 296-155-17652, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW, 93-22-054 (Order 93-07), § 296-155-17652, filed 10/29/93, effective 12/10/93.]

WAC 296-155-20301 Definitions. Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults,

and pits are spaces that may have limited means of entry); and

- (3) Is not designed for continuous employee occupancy.

"Corrosives" means substances which in contact with living tissue cause destruction of the tissue by chemical action.

"Hazardous atmosphere" means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

- (1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);

- (2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52m) or less.

- (3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

- (4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, general occupational health standards, or chapter 296-841 WAC, identifying and controlling respiratory hazards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

- (5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Chemical Hazard Communication Standard, WAC 296-800-170, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"Irritants" means substances which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

"Oxygen deficient atmospheres" means atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See chapter 296-62 WAC, Part M, permit-required confined spaces.)

"Toxicants" means substances which have the inherent capacity to produce personal injury or illness to persons by absorption through any body surface.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-155-20301, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050, 01-11-038, § 296-155-20301, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060, 95-17-036, § 296-155-20301, filed 8/9/95, effective 9/25/95. Statutory Authority: Chapter 49.17 RCW, 95-04-007, § 296-155-20301, filed 1/18/95, effective 3/1/95; 91-24-017 (Order 91-07), § 296-155-20301, filed 11/22/91, effective 12/24/91. Statutory Authority:

RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-20301, filed 1/21/86.]

WAC 296-155-220 Respiratory protection. The respiratory protection requirements applicable to construction work under this section are identical to those set forth in chapter 296-842 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-220, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-155-220, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-15-017 (Order 83-19), § 296-155-220, filed 7/13/83, effective 9/12/83; Order 74-26, § 296-155-220, filed 5/7/74, effective 6/6/74.]

WAC 296-155-367 Masonry saws. (1) Guarding.

(a) Masonry saws shall be guarded by semicircular enclosures over the blade.

(b) A method for retaining blade fragments shall be incorporated into the design of the semicircular enclosure.

(2) Safety latch. A safety latch shall be installed on notched saws to prevent the motor and cutting head assembly from lifting out of the notches.

(3) Blade speed. Blade speed shall be maintained in accordance with the manufacturer's specifications.

(4) Exhaust and eye protection.

(a) All table mounted masonry saws shall be equipped with a mechanical means of exhausting dust into a covered receptacle or be provided with water on the saw blade for dust control. The operator and any nearby worker shall wear appropriate eye protection in accordance with WAC 296-155-215.

(b) All portable hand-held masonry saw operators shall wear appropriate eye and respiratory protection in accordance with WAC 296-155-215 and chapter 296-842 WAC.

(5) Grounding. The motor frames of all stationary saws shall be grounded through conduit, water pipe, or a driven ground. Portable saws shall be grounded through three-pole cords attached to grounded electrical systems.

(6) Inspection. Masonry saws shall be inspected at regular intervals and maintained in safe operating condition.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-367, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-155-367, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 90-17-051 (Order 90-10), § 296-155-367, filed 8/13/90, effective 9/24/90. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-367, filed 1/21/86.]

WAC 296-155-475 Scope and application. This part applies to all stairways and fixed ladders used in construction, alteration, repair (including painting and decorating), and demolition workplaces covered under chapter 296-155 WAC, and also sets forth, in specified circumstances, when ladders and stairways are required to be provided.

Reference:

- Requirements for ladders used on or with scaffolds are located in chapter 296-874 WAC, Scaffolds.
- Requirements for portable ladders are located in chapter 296-876 WAC, Portable ladders.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-155-475, filed 10/4/05, effective 1/1/06. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-155-475, filed 11/22/91, effective 12/24/91. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-475, filed 1/21/86; Order

76-6, § 296-155-475, filed 3/1/76; Order 74-26, § 296-155-475, filed 5/7/74, effective 6/6/74.]

WAC 296-155-47501 Definitions applicable to this part. (1) Cleat means a ladder crosspiece of rectangular cross section placed on edge upon which a person may step while ascending or descending a ladder.

(2) Double-cleat ladder means a ladder similar in construction to a single-cleat ladder, but with a center rail to allow simultaneous two-way traffic for employees ascending or descending.

(3) Equivalent means alternative designs, materials, or methods that the employer can demonstrate will provide an equal or greater degree of safety for employees than the method or item specified in the standard.

(4) Failure means load refusal, breakage, or separation of component parts. Load refusal is the point where the structural members lose their ability to carry the loads.

(5) Fixed ladder means a ladder that cannot be readily moved or carried because it is an integral part of a building or structure. A side-step fixed ladder is a fixed ladder that requires a person getting off at the top to step to the side of the ladder side rails to reach the landing. A through fixed ladder is a fixed ladder that requires a person getting off at the top to step between the side rails of the ladder to reach the landing. For the purpose of this standard, slip forms and scaffolds with built in ladders permanently attached, are considered to be fixed ladders.

(6) Handrail means a rail used to provide employees with a handhold for support.

(7) Individual-rung/step ladders means ladders without a side rail or center rail support. Such ladders are made by mounting individual steps or rungs directly to the side or wall of the structure.

(8) Landing means any area such as the ground, roof, or platform that provides access/egress for a ladder.

(9) Lower levels means those areas to which an employee can fall from a stairway or ladder. Such areas include ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, material, water, equipment, and similar surfaces. It does not include the surface from which the employee falls.

(10) Maximum intended load means the total load of all employees, equipment, tools, materials, transmitted loads, and other loads anticipated to be applied to a ladder component at any one time.

(11) Nosing means that portion of a tread projecting beyond the face of the riser immediately below.

(12) Platform means a walking/working surface for persons, elevated above the surrounding floor or ground.

(13) Point of access means all areas used by employees for work-related passage from one area or level to another. Such open areas include doorways, passageways, stairway openings, studded walls, and various other permanent or temporary openings used for such travel.

(14) Riser height means the vertical distance from the top of a tread to the top of the next higher tread or platform/landing or the distance from the top of a platform/landing to the top of the next higher tread or platform/landing.

(15) Side-step fixed ladder. See "fixed ladder."

(16) Single-cleat ladder means a ladder consisting of a pair of side rails, connected together by cleats, rungs, or steps.

(17) Spiral stairway means a series of steps attached to a vertical pole and progressing upward in a winding fashion within a cylindrical space.

(18) Stairrail system means a vertical barrier erected along the unprotected sides and edges of a stairway to prevent employees from falling to lower levels. The top surface of a stairrail system may also be a "handrail."

(19) Through fixed ladder. See "fixed ladder."

(20) Tread depth means the horizontal distance from front to back of a tread (excluding nosing, if any).

(21) Unprotected sides and edges means any side or edge (except at entrances to points of access) of a stairway where there is no stairrail system or wall 36 inches (.9 m) or more in height, and any side or edge (except at entrances to points of access) of a stairway landing, or ladder platform where there is no wall or guardrail system 39 inches (1 m) or more in height.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-20-068, § 296-155-47501, filed 10/4/05, effective 1/1/06. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-155-47501, filed 11/22/91, effective 12/24/91.]

WAC 296-155-480 Fixed ladders. Requirements relating to portable ladders were removed from this section and are now located in chapter 296-876 WAC, Portable ladders.

(1) General. The following requirements apply to all fixed ladders as indicated.

(a) Ladders shall be capable of supporting, without failure, at least two loads of 250 pounds (114 kg) each, concentrated between any two consecutive attachments (the number and position of additional concentrated loads of 250 pounds (114 kg) each, determined from anticipated usage of the ladder, shall also be included), plus anticipated loads caused by ice buildup, winds, rigging, and impact loads resulting from the use of ladder safety devices. Each step or rung shall be capable of supporting a single concentrated load of at least 250 pounds (114 kg) applied in the middle of the step or rung. Ladders built in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.

(b) Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when the ladder is in position for use.

(c) Rungs, cleats, and steps of fixed ladders (including individual-rung/step ladders) shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches (36 cm) apart, as measured between centerlines of the rungs, cleats, and steps.

(d) The minimum clear distance between the sides of individual-rung/step ladders and the minimum clear distance between the side rails of other fixed ladders shall be 16 inches (41 cm).

(e) The rungs of individual-rung/step ladders shall be shaped such that employees' feet cannot slide off the end of the rungs.

(f) The rungs and steps of fixed metal ladders manufactured after the effective date of this standard, shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(g) Except when portable ladders are used to gain access to fixed ladders (such as those on utility towers, billboards, and other structures where the bottom of the fixed ladder is elevated to limit access), when two or more separate ladders are used to reach an elevated work area, the ladders shall be offset with a platform or landing between the ladders. (The requirements to have guardrail systems with toeboards for falling object and overhead protection on platforms and landings are set forth in chapter 296-155 WAC, Part K.)

(h) Ladder components shall be surfaced so as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(i) Wood ladders shall not be coated with any opaque covering, except for identification or warning labels which may be placed on one face only of a side rail.

(j) The minimum perpendicular clearance between fixed ladder rungs, cleats, and steps, and any obstruction behind the ladder shall be 7 inches (18 cm), except in the case of an elevator pit ladder, for which a minimum perpendicular clearance of 4 1/2 inches (11 cm) is required.

(k) The minimum perpendicular clearance between the center line of fixed ladder rungs, cleats, and steps, and any obstruction on the climbing side of the ladder shall be 30 inches (76 cm), except as provided in (l) of this subsection.

(l) When unavoidable obstructions are encountered, the minimum perpendicular clearance between the centerline of fixed ladder rungs, cleats, and steps, and the obstruction on the climbing side of the ladder may be reduced to 24 inches (61 cm), provided that a deflection device is installed to guide employees around the obstruction.

(m) Through fixed ladders at their point of access/egress shall have a step-across distance of not less than 7 inches (18 cm) nor more than 12 inches (30 cm) as measured from the centerline of the steps or rungs to the nearest edge of the landing area. If the normal step-across distance exceeds 12 inches (30 cm), a landing platform shall be provided to reduce the distance to the specified limit.

(n) Fixed ladders without cages or wells shall have a clear width to the nearest permanent object of at least 15 inches (38 cm) on each side of the centerline of the ladder.

(o) Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet (7.3 m) but the top of the ladder is at a distance greater than 24 feet (7.3 m) above lower levels.

(p) Where the total length of a climb equals or exceeds 24 feet (7.3 m), fixed ladders shall be equipped with one of the following:

(i) Ladder safety devices; or

(ii) Self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet (45.7 m); or

(iii) A cage or well, and multiple ladder sections, each ladder section not to exceed 50 feet (15.2 m) in length. Ladder sections shall be offset from adjacent sections, and landing platforms shall be provided at maximum intervals of 50 feet (15.2 m).

(q) Cages for fixed ladders shall conform to all of the following:

(i) Horizontal bands shall be fastened to the side rails of rail ladders, or directly to the structure, building, or equipment for individual-rung ladders;

(ii) Vertical bars shall be on the inside of the horizontal bands and shall be fastened to them;

(iii) Cages shall extend not less than 27 inches (68 cm), or more than 30 inches (76 cm) from the centerline of the step or rung (excluding the flare at the bottom of the cage), and shall not be less than 27 inches (68 cm) in width;

(iv) The inside of the cage shall be clear of projections;

(v) Horizontal bands shall be spaced not more than 4 feet (1.2 m) on center vertically;

(vi) Vertical bars shall be spaced at intervals not more than 9 1/2 inches (24 cm) on center horizontally;

(vii) The bottom of the cage shall be at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder. The bottom of the cage shall be flared not less than 4 inches (10 cm) all around within the distance between the bottom horizontal band and the next higher band;

(viii) The top of the cage shall be a minimum of 42 inches (1.1 m) above the top of the platform, or the point of access at the top of the ladder, with provision for access to the platform or other point of access.

(r) Wells for fixed ladders shall conform to all of the following:

(i) They shall completely encircle the ladder;

(ii) They shall be free of projections;

(iii) Their inside face on the climbing side of the ladder shall extend not less than 27 inches (68 cm) nor more than 30 inches (76 cm) from the centerline of the step or rung;

(iv) The inside clear width shall be at least 30 inches (76 cm);

(v) The bottom of the wall on the access side shall start at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder.

(s) Ladder safety devices, and related support systems, for fixed ladders shall conform to all of the following:

(i) They shall be capable of withstanding without failure a drop test consisting of an 18-inch (41 cm) drop of a 500-pound (226 kg) weight;

(ii) They shall permit the employee using the device to ascend or descend without continually having to hold, push or pull any part of the device, leaving both hands free for climbing;

(iii) They shall be activated within 2 feet (.61 m) after a fall occurs, and limit the descending velocity of an employee to 7 feet/sec. (2.1 m/sec.) or less;

(iv) The connection between the carrier or lifeline and the point of attachment to the body belt or harness shall not exceed 9 inches (23 cm) in length.

(t) The mounting of ladder safety devices for fixed ladders shall conform to the following:

(i) Mountings for rigid carriers shall be attached at each end of the carrier, with intermediate mountings, as necessary, spaced along the entire length of the carrier, to provide the strength necessary to stop employees' falls.

(ii) Mountings for flexible carriers shall be attached at each end of the carrier. When the system is exposed to wind, cable guides for flexible carriers shall be installed at a minimum spacing of 25 feet (7.6 m) and maximum spacing of 40 feet (12.2 m) along the entire length of the carrier, to prevent wind damage to the system.

(iii) The design and installation of mountings and cable guides shall not reduce the design strength of the ladder.

(u) The side rails of through or side-step fixed ladders shall extend 42 inches (1.1 m) above the top of the access level or landing platform served by the ladder. For a parapet ladder, the access level shall be the roof if the parapet is cut to permit passage through the parapet; if the parapet is continuous, the access level shall be the top of the parapet.

(v) For through-fixed-ladder extensions, the steps or rungs shall be omitted from the extension and the extension of the side rails shall be flared to provide not less than 24 inches (61 cm) nor more than 30 inches (76 cm) clearance between side rails. Where ladder safety devices are provided, the maximum clearance between side rails of the extensions shall not exceed 36 inches (91 cm).

(w) For side-step fixed ladders, the side rails and the steps or rungs shall be continuous in the extension.

(x) Individual-rung/step ladders, except those used where their access openings are covered with manhole covers or hatches, shall extend at least 42 inches (1.1 m) above an access level or landing platform either by the continuation of the rung spacings as horizontal grab bars or by providing vertical grab bars that shall have the same lateral spacing as the vertical legs of the rungs.

(2) Use. The following requirements apply to the use of all fixed ladders, except as otherwise indicated:

(a) Ladders shall be maintained free of oil, grease, and other slipping hazards.

(b) Ladders shall not be loaded beyond the maximum intended load for which they were built, nor beyond their manufacturer's rated capacity.

(c) Ladders shall be used only for the purpose for which they were designed.

(d) Fixed ladders shall be used at a pitch no greater than 90 degrees from the horizontal, as measured to the back side of the ladder.

(e) The area around the top and bottom of ladders shall be kept clear.

(f) Ladders shall be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use.

(g) Fixed ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, or corroded components, shall be withdrawn from service until repaired. The requirement to withdraw a defective ladder from service is satisfied if the ladder is either:

(i) Immediately tagged with "do not use" or similar language;

(ii) Marked in a manner that readily identifies it as defective;

(iii) Or blocked (such as with a plywood attachment that spans several rungs).

(h) Ladder repairs shall restore the ladder to a condition meeting its original design criteria, before the ladder is returned to use.

(i) Single-rail ladders shall not be used.

(j) When ascending or descending a ladder, the user shall face the ladder.

(k) Employees shall not ascend or descend ladders while carrying tools or materials that might interfere with the free use of both hands.

(l) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(m) Any work that requires wearing eye protection, respirators, or handling of pressure equipment shall not be performed from a ladder more than twenty-five feet above the surrounding surface.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-20-068, § 296-155-480, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060, 96-24-051, § 296-155-480, filed 11/27/96, effective 2/1/97. Statutory Authority: Chapter 49.17 RCW, 95-10-016, § 296-155-480, filed 4/25/95, effective 10/1/95; 94-15-096 (Order 94-07), § 296-155-480, filed 7/20/94, effective 9/20/94; 91-24-017 (Order 91-07), § 296-155-480, filed 11/22/91, effective 12/24/91; 91-03-044 (Order 90-18), § 296-155-480, filed 1/10/91, effective 2/12/91; 90-09-026 (Order 90-01), § 296-155-480, filed 4/10/90, effective 5/25/90. Statutory Authority: RCW 49.17.040 and 49.17.050, 86-03-074 (Order 86-14), § 296-155-480, filed 1/21/86. Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240, 79-08-115 (Order 79-9), § 296-155-480, filed 7/31/79; Order 76-29, § 296-155-480, filed 9/30/76; Order 76-6, § 296-155-480, filed 3/17/76; Order 74-26, § 296-155-480, filed 5/7/74, effective 6/6/74.]

WAC 296-155-4800 Appendix A. This appendix serves as a nonmandatory guideline to assist employers in complying with the ladder loading and strength requirements of WAC 296-155-480 (1)(a). A ladder designed and built in accordance with ANSI A14.3.1984 - American National Standard for Ladders-Fixed-Safety Requirements will be considered to meet the requirements of WAC 296-155-480 (1)(a).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-20-068, § 296-155-4800, filed 10/4/05, effective 1/1/06. Statutory Authority: Chapter 49.17 RCW, 91-24-017 (Order 91-07), § 296-155-4800, filed 11/22/91, effective 12/24/91.]

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter 296-806 WAC, Machine safety.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and chapter 296-841 WAC, identifying and controlling respiratory hazards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or

overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alli-

gator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer

shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method must be instituted for transmitting signals to the operator. Standard hand signals for crane operations must be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication must be used. (See WAC 296-155-525 (5)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge brackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-155-525, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-155-525, filed 1/18/05, effective 3/1/05; 04-14-028, § 296-155-525, filed 6/29/04, effective 1/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050. 02-12-098, § 296-155-525, filed 6/5/02, effective 8/1/02; 01-17-033, § 296-155-525, filed 8/8/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 95-17-036, § 296-155-525, filed 8/9/95, effective 9/25/95. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-155-525, filed 1/10/91, effective 2/12/91; Order 76-29, § 296-155-525, filed 9/30/76; Order 74-26, § 296-155-525, filed 5/7/74, effective 6/6/74.]

WAC 296-155-655 General protection requirements.

(1) Surface encumbrances. All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.

(2) Underground installations.

(a) The location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be located prior to opening an excavation.

(b) Utility companies or owners shall be contacted within established or customary local response times, advised

of the proposed work, and asked to locate the underground utility installation prior to the start of actual excavation.

(c) When excavation operations approach the location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(d) While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees.

(3) Access and egress.

(a) Structural ramps.

(i) Structural ramps that are used solely by employees as a means of access or egress from excavations shall be designed by a competent person. Structural ramps used for access or egress of equipment shall be designed by a competent person qualified in structural design, and shall be constructed in accordance with the design.

(ii) Ramps and runways constructed of two or more structural members shall have the structural members connected together to prevent displacement.

(iii) Structural members used for ramps and runways shall be of uniform thickness.

(iv) Cleats or other appropriate means used to connect runway structural members shall be attached to the bottom of the runway or shall be attached in a manner to prevent tripping.

(v) Structural ramps used in lieu of steps shall be provided with cleats or other surface treatments on the top surface to prevent slipping.

(b) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

(4) Exposure to vehicular traffic. Employees exposed to vehicular traffic shall be provided with and shall wear high-visibility garments meeting the requirements of WAC 296-155-200, General requirements for personal protective equipment (PPE).

(5) Exposure to falling loads. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with WAC 296-155-610 (2)(g), to provide adequate protection for the operator during loading and unloading operations.

(6) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

(7) Hazardous atmospheres.

(a) Testing and controls. In addition to the requirements set forth in parts B-1, C, and C-1 of this chapter (296-155 WAC) to prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements shall apply:

(i) Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.

(ii) Adequate precautions shall be taken to prevent employee exposure to atmospheres containing less than 19.5 percent oxygen and other hazardous atmospheres. These precautions include providing proper respiratory protection or ventilation in accordance with chapter 296-842 WAC.

(iii) Adequate precaution shall be taken such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of 10 percent of the lower flammable limit of the gas.

(iv) When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.

(b) Emergency rescue equipment.

(i) Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.

(ii) Employees entering bell-bottom pier holes, or other similar deep and confined footing excavations, shall wear a harness with a lifeline securely attached to it. The lifeline shall be separate from any line used to handle materials, and shall be individually attended at all times while the employee wearing the lifeline is in the excavation.

Note: See chapter 296-62 WAC, Part M for additional requirements applicable to confined space operations.

(8) Protection from hazards associated with water accumulation.

(a) Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

(b) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.

(c) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains will require an inspection by a competent person and compliance with subdivisions (a) and (b) of this subsection.

(9) Stability of adjacent structures.

(a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

(b) Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:

(i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or

(ii) The excavation is in stable rock; or

(iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or

(iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

(c) Sidewalks, pavements, and appurtenant structure shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

(10) Protection of employees from loose rock or soil.

(a) Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material; installation of protective barricades at intervals as necessary on the face to stop and contain falling material; or other means that provide equivalent protection.

(b) Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

(11) Inspections.

(a) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

(b) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

(12) Fall protection.

(a) Walkways shall be provided where employees or equipment are required or permitted to cross over excava-

tions. Guardrails which comply with chapter 296-155 WAC, Part K shall be provided where walkways are 4 feet or more above lower levels.

(b) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-155-655, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-155-655, filed 1/18/05, effective 3/1/05; 04-24-089, § 296-155-655, filed 12/1/04, effective 1/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-17-094, § 296-155-655, filed 8/17/99, effective 12/1/99; 99-10-071, § 296-155-655, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 96-24-051, § 296-155-655, filed 11/27/96, effective 2/1/97. Statutory Authority: Chapter 49.17 RCW. 95-10-016, § 296-155-655, filed 4/25/95, effective 10/1/95. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-155-655, filed 10/30/92, effective 12/8/92. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-155-655, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-655, filed 1/21/86. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-13-053 (Order 81-9), § 296-155-655, filed 6/17/81; Order 76-29, § 296-155-655, filed 9/30/76; Order 74-26, § 296-155-655, filed 5/7/74, effective 6/6/74.]

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes,

manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

- (a) Air monitoring;
- (b) Ventilation;
- (c) Confined space entry procedures;
- (d) Permit-required confined space entry procedures;
- (e) Illumination;
- (f) Communications;
- (g) Flood control;
- (h) Mechanical equipment;
- (i) Personal protective equipment;
- (j) Explosives;
- (k) Fire prevention and protection; and
- (l) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the job site affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the job site. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer must provide self-rescuers certified by the National Institute for Occupational Safety and Health under 42 CFR part 84. The respirators must be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators must be in accordance with the requirements of chapter 296-842 WAC.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On job sites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the job site or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On job sites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the job site or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of fire fighting equipment. Qualifications shall be reviewed not less than annually.

(d) On job sites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the job site.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in chapter 296-155 WAC, Part H, shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-841 WAC shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of job site: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the job site, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby job sites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-841 WAC.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device certified by MSHA-NIOSH for protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of chapter 296-842 WAC.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dust, vapors,

mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, Part H, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be

discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in chapter 296-155 WAC, Part B-1. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, department of labor and industries, for permission to

use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the department of labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

(i) Be constructed of fire-resistant materials; and

(ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of chapter 296-155 WAC, Part B-1, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel

fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment

shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment,

including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in chapter 296-155 WAC, Part L.

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in chapter 296-155 WAC, Part M.

(f) Conveyor lockout.

(i) Conveyors shall be de-energized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect person cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in person cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This subsection applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC 296-155-528 contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-528(2) do not apply to the routine access of employees to the underground via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This subsection does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalperson at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalperson who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in

cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to chapter 296-155 WAC, Part L, for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of

the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-155-730, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-155-730, filed 8/8/01, effective 9/1/01; 99-10-071, § 296-155-730, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and [49.17].060. 98-05-046, § 296-155-730, filed 2/13/98, effective 4/15/98. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-155-730, filed 1/18/95, effective 3/1/95; 94-15-096 (Order 94-07), § 296-155-730, filed 7/20/94, effective 9/20/94; 91-11-070 (Order 91-01), § 296-155-730, filed

5/20/91, effective 6/20/91; 90-03-029 (Order 89-20), § 296-155-730, filed 1/11/90, effective 2/26/90. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-730, filed 1/21/86; Order 76-29, § 296-155-730, filed 9/30/76; Order 74-26, § 296-155-730, filed 5/7/74, effective 6/6/74.]

Chapter 296-200A WAC

CONTRACTOR CERTIFICATE OF REGISTRATION RENEWALS—SECURITY—INSURANCE

WAC

296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) \$109.70 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) \$51.90 for the reinstatement of a certificate of registration.

(3) \$12.20 for providing a duplicate certificate of registration.

(4) \$24.80 for each requested certified letter prepared by the department.

(5) \$162.00 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs \$13.50.

(6) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be \$27.20.

(7) \$20.00 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(8) \$25.00 is required to cover the costs for the service of processing refunds.

[Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. 05-12-032, § 296-200A-900, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. 04-12-048, § 296-200A-900, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-900, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-200A-900, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-200A-900, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-200A-900, filed 5/29/98, effective 6/30/98. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-900, filed 12/2/97, effective 1/5/98.]

Chapter 296-301 WAC
SAFETY STANDARDS FOR THE TEXTILE
INDUSTRY

WAC

296-301-220 Personal protective equipment.

WAC 296-301-220 Personal protective equipment.

(1) Personal protective equipment. Workers engaged in handling acids or caustics in bulk, repairing pipe lines containing acids or caustics, etc., shall be provided with personal protective equipment to conform to the requirements of WAC 296-800-160.

(2) Respiratory protection. Employers must provide respiratory protection as required in chapter 296-842 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-301-220, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-301-220, filed 5/9/01, effective 9/1/01; 99-17-094, § 296-301-220, filed 8/17/99, effective 12/1/99; Order 74-19, § 296-301-220, filed 5/6/74.]

Chapter 296-304 WAC
SAFETY STANDARDS FOR SHIP REPAIRING,
SHIPBUILDING AND SHIPBREAKING

WAC

296-304-01001	Definitions.
296-304-01005	Fire protection in shipyards.
296-304-01007	Fire safety plan.
296-304-01009	Precautions for hot work.
296-304-01011	Fire watches.
296-304-01013	Fire response.
296-304-01015	Hazards of fixed extinguishing systems on board vessels and vessel sections.
296-304-01017	Land-side fire protection systems.
296-304-01019	Training.
296-304-01021	Competent person.
296-304-02003	Precautions and the order of testing before entering confined and enclosed spaces and other dangerous atmospheres.
296-304-03001	Toxic cleaning solvents.
296-304-03005	Mechanical paint removers.
296-304-03007	Painting.
296-304-04001	Ventilation and protection in welding, cutting and heating.
296-304-09007	Respiratory protection.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

296-304-04003	Fire prevention. [Order 76-7, § 296-304-04003, filed 3/1/76; Order 74-25, § 296-304-04003, filed 5/7/74.] Repealed by 05-19-086, filed 9/20/05, effective 12/1/05. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.
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WAC 296-304-01001 Definitions. "Alarm" - A signal or message from a person or device that indicates that there is a fire, medical emergency, or other situation that requires emergency response or evacuation. At some shipyards, this may be called an "incident" or a "call for service."

"Alarm system" - A system that warns employees at the worksite of danger.

"Anchorage" - A secure point to attach lifelines, lanyards, or deceleration devices.

"Body belt" - A strap with means to both secure it around the waist and to attach it to a lanyard, lifeline, or deceleration device. Body belts may be used only in fall restraint or positioning device systems and may not be used

for fall arrest. Body belts must be at least one and five-eighths inches (4.13 cm) wide.

"Body harness" - Straps to secure around an employee so that fall arrest forces are distributed over at least the thighs, shoulders, chest and pelvis with means to attach it to other components of a personal fall arrest system.

"Class II standpipe system" - A one and one-half inch (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

"Cold work" - Work that does not involve riveting, welding, burning, or other fire-producing or spark-producing operations.

"Contract employer" - An employer, such as a painter, joiner, carpenter, or scaffolding subcontractor, who performs work under contract to the host employer or to another employer under contract to the host employer at the host employer's worksite. This excludes employers who provide incidental services that do not influence shipyard employment (such as mail delivery or office supply services).

"Competent person" - A person who can recognize and evaluate employee exposure to hazardous substances or to other unsafe conditions and can specify the necessary protection and precautions necessary to ensure the safety of employees as required by these standards.

"Confined space" - A small compartment with limited access such as a double bottom tank, cofferdam, or other small, confined space that can readily create or aggravate a hazardous exposure.

"Connector" - A device used to connect parts of a personal fall arrest system or parts of a positioning device system together. It may be:

- An independent component of the system (such as a carabiner); or
- An integral component of part of the system (such as a buckle or D-ring sewn into a body belt or body harness or a snaphook spliced or sewn to a lanyard or self-retracting lanyard).

"Dangerous atmosphere" - An atmosphere that may expose employees to the risk of death, incapacitation, injury, acute illness, or impairment of ability to self-rescue (i.e., escape unaided from a confined or enclosed space).

"Deceleration device" - A mechanism, such as a rope grab, rip stitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline/lanyard, that serves to dissipate a substantial amount of energy during a fall arrest, or to limit the energy imposed on an employee during fall arrest.

"Deceleration distance" - The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured from the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, to the location of that attachment point after the employee comes to a full stop.

"Designated area" - An area established for hot work after an inspection that is free of fire hazards.

"Director" - The director of the department of labor and industries or a designated representative.

"Drop test" - A method utilizing gauges to ensure the integrity of an oxygen fuel gas burning system. The method requires that the burning torch is installed to one end of the oxygen and fuel gas lines and then the gauges are attached to the other end of the hoses. The manifold or cylinder supply valve is opened and the system is pressurized. The manifold or cylinder supply valve is then closed and the gauges are watched for at least sixty seconds. Any drop in pressure indicates a leak.

"Emergency operations" - Activities performed by fire response organizations that are related to: Rescue, fire suppression, emergency medical care, and special operations or activities that include responding to the scene of an incident and all activities performed at that scene.

"Employee" - Any person engaged in ship repairing, ship building, or ship breaking or related employment as defined in these standards.

"Employer" - An employer with employees who are employed, in whole or in part, in ship repair, ship building and ship breaking, or related employment as defined in these standards.

"Enclosed space" - A space, other than a confined space, that is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

"Equivalent" - Alternative designs, materials, or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the method or item specified in the standard.

"Fire hazard" - A condition or material that may start or contribute to the spread of fire.

"Fire protection" - Methods of providing fire prevention, response, detection, control, extinguishment, and engineering.

"Fire response" - The activity taken by the employer at the time of an emergency incident involving a fire at the worksite, including fire suppression activities carried out by internal or external resources or a combination of both, or total or partial employee evacuation of the area exposed to the fire.

"Fire response employee" - A shipyard employee who carries out the duties and responsibilities of shipyard fire fighting in accordance with the fire safety plan.

"Fire response organization" - An organized group knowledgeable, trained, and skilled in shipyard fire fighting operations that responds to shipyard fire emergencies, including: Fire brigades, shipyard fire departments, private or contractual fire departments, and municipal fire departments.

"Fire suppression" - The activities involved in controlling and extinguishing fires.

"Fire watch" - The activity of observing and responding to the fire hazards associated with hot work in shipyard employment and the employees designated to do so.

"Fixed extinguishing system" - A permanently installed fire protection system that either extinguishes or controls fire occurring in the space it protects.

"Flammable liquid" - Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total

of which make up ninety-nine percent or more of the total volume of the mixture.

"Free fall" - To fall before a personal fall arrest system begins to apply force to arrest the fall.

"Free fall distance" - The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline/lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the device operates and fall arrest forces occur.

"Gangway" - A ramp-like or stair-like means to board or leave a vessel including accommodation ladders, gang-planks and brows.

"Hazardous substance" - A substance likely to cause injury because it is explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful.

"Hose systems" - Fire protection systems consisting of a water supply, approved fire hose, and a means to control the flow of water at the output end of the hose.

"Host employer" - An employer who is in charge of coordinating work or who hires other employers to perform work at a multiemployer workplace.

"Hot work" - Riveting, welding, burning or other fire or spark producing operations.

"Incident management system" - A system that defines the roles and responsibilities to be assumed by personnel and the operating procedures to be used in the management and direction of emergency operations; the system is also referred to as an "incident command system (ICS)."

"Incipient stage fire" - A fire, in the initial or beginning stage, which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

"Inerting" - The displacement of the atmosphere in a permit space by noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible. This procedure produces an IDLH oxygen-deficient atmosphere.

"Interior structural fire fighting operations" - The physical activity of fire response, rescue, or both involving a fire beyond the incipient stage inside of buildings, enclosed structures, vessels, and vessel sections.

"Lanyard" - A flexible line of rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a deceleration device, lifeline, or anchorage.

"Lifeline" - A component consisting of a flexible line to connect to an anchorage at one end to hang vertically (vertical lifeline), or to connect to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

"Lower levels" - Those areas or surfaces to which an employee can fall. Such areas or surfaces include but are not limited to ground levels, floors, ramps, tanks, materials, water, excavations, pits, vessels, structures, or portions thereof.

"Multiemployer workplace" - A workplace where there is a host employer and at least one contract employer.

"Personal alert safety system (PASS)" - A device that sounds a loud signal if the wearer becomes immobilized or is motionless for thirty seconds or more.

"Personal fall arrest system" - A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, a deceleration device, a lifeline, or a suitable combination.

"Physical isolation" - The elimination of a fire hazard by removing the hazard from the work area (at least thirty-five feet for combustibles), by covering or shielding the hazard with a fire-resistant material, or physically preventing the hazard from entering the work area.

"Physically isolated" - Positive isolation of the supply from the distribution piping of a fixed extinguishing system. Examples of ways to physically isolate include: Removing a spool piece and installing a blank flange; providing a double block and bleed valve system; or completely disconnecting valves and piping from all cylinders or other pressure vessels containing extinguishing agents.

"Portable unfired pressure vessel" - A pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure. This does not include pressure vessels built to Department of Transportation regulations under 49 CFR Part 78, Subparts C and H.

"Positioning device system" - A body belt or body harness system rigged to allow an employee to be supported at an elevated vertical surface, such as a wall or window, and to be able to work with both hands free while leaning.

"Powder actuated fastening tool" - A tool or machine that drives a stud, pin, or fastener by means of an explosive charge.

"Protected space" - Any space into which a fixed extinguishing system can discharge.

"Proximity fire fighting" - Specialized fire fighting operations that require specialized thermal protection and may include the activities of rescue, fire suppression, and property conservation at incidents involving fires producing very high levels of conductive, convective, and radiant heat such as aircraft fires, bulk flammable gas fires, and bulk flammable liquid fires. Proximity fire fighting operations usually are exterior operations but may be combined with structural fire fighting operations. Proximity fire fighting is not entry fire fighting.

"Qualified instructor" - A person with specific knowledge, training, and experience in fire response or fire watch activities to cover the material found in WAC 296-304-01019 (2) or (3).

"Qualified person" - A person who has successfully demonstrated the ability to solve or resolve problems related to the subject matter and work by possessing a recognized degree or certificate of professional standing or by extensive knowledge, training, and experience.

"Related employment" - Any employment related to or performed in conjunction with ship repairing, ship building or ship breaking work, including, but not limited to, inspecting, testing, and serving as a watchman.

"Rescue" - Locating endangered persons at an emergency incident, removing those persons from danger, treating

the injured, and transporting the injured to an appropriate health care facility.

"Restraint (tether) line" - A line from an anchorage, or between anchorages, to which the employee is secured so as to prevent the employee from walking or falling off an elevated work surface.

Note: A restraint line is not necessarily designed to withstand forces resulting from a fall.

"Rope grab" - A deceleration device that travels on a lifeline and automatically, by friction, engages the lifeline and locks to arrest the fall of an employee. A rope grab usually uses the principle of inertial locking, cam/level locking or both.

"Shall" or "must" - Mandatory.

"Ship breaking" - Breaking down a vessel's structure to scrap the vessel, including the removal of gear, equipment or any component part of a vessel.

"Ship building" - Construction of a vessel, including the installation of machinery and equipment.

"Ship repairing" - Repair of a vessel including, but not limited to, alterations, conversions, installations, cleaning, painting, and maintenance.

"Shipyards fire fighting" - The activity of rescue, fire suppression, and property conservation involving buildings, enclosed structures, vehicles, vessels, aircraft, or similar properties involved in a fire or emergency situation.

"Small hose system" - A system of hoses ranging in diameter from 5/8" (1.6 cm) up to 1 1/2" (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

"Standpipe" - A fixed fire protection system consisting of piping and hose connections used to supply water to approved hose lines or sprinkler systems. The hose may or may not be connected to the system.

"Vessel" - Every watercraft for use as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01001, filed 9/20/05, effective 12/1/05; 03-04-099, § 296-304-01001, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-01001, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-01001, filed 1/18/95, effective 3/10/95; Order 76-7, § 296-304-01001, filed 3/1/76; Order 74-25, § 296-304-01001, filed 5/7/74.]

WAC 296-304-01005 Fire protection in shipyards.

(1) **Purpose.** The purpose of this section is to require employers to protect all employees from fire hazards in shipyard employment, including employees engaged in fire response activities.

(2) **Scope.** This section covers employers with employees engaged in shipyard employment aboard vessels and vessel sections, and on land-side operations regardless of geographic location.

(3) **Employee participation.** The employer must provide ways for employees or employee representatives, or both to participate in developing and periodically reviewing programs and policies adopted to comply with this section.

(4) Multiemployer worksites.

(a) **Host employer responsibilities.** The host employer's responsibilities are to:

(i) Inform all employers at the worksite about the content of the fire safety plan including hazards, controls, fire safety and health rules, and emergency procedures;

(ii) Make sure the safety and health responsibilities for fire protection are assigned as appropriate to other employers at the worksite; and

(iii) If there is more than one host employer, each host employer must communicate relevant information about fire-related hazards to other host employers. When a vessel owner or operator (temporarily) becomes a host shipyard employer by directing the work of ships' crews on repair or modification of the vessel or by hiring other contractors directly, the vessel owner or operator must also comply with these provisions for host employers.

(b) **Contract employer responsibilities.** The contract employer's responsibilities are to:

(i) Make sure that the host employer knows about the fire-related hazards associated with the contract employer's work and what the contract employer is doing to address them; and

(ii) Advise the host employer of any previously unidentified fire-related hazards that the contract employer identifies at the worksite.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01005, filed 9/20/05, effective 12/1/05. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-01005, filed 1/18/95, effective 3/10/95.]

WAC 296-304-01007 Fire safety plan. (1) Employer responsibilities. The employer must develop and implement a written fire safety plan that covers all the actions that employers and employees must take to ensure employee safety in the event of a fire. (See Appendix A to this section for a model fire safety plan.)

(2) **Plan elements.** The employer must include the following information in the fire safety plan:

(a) Identification of the significant fire hazards;

(b) Procedures for recognizing and reporting unsafe conditions;

(c) Alarm procedures;

(d) Procedures for notifying employees of a fire emergency;

(e) Procedures for notifying fire response organizations of a fire emergency;

(f) Procedures for evacuation;

(g) Procedures to account for all employees after an evacuation; and

(h) Names, job titles, or departments for individuals who can be contacted for further information about the plan.

(3) **Reviewing the plan with employees.** The employer must review the plan with each employee at the following times:

(a) By March 1, 2006, for employees who are currently working;

(b) Upon initial assignment for new employees; and

(c) When the actions the employee must take under the plan change because of a change in duties or a change in the plan.

(4) **Additional employer requirements.** The employer also must:

(a) Keep the plan accessible to employees, employee representatives, and WISHA;

(b) Review and update the plan whenever necessary, but at least annually;

(c) Document that affected employees have been informed about the plan as required by this subsection; and

(d) Ensure any outside fire response organization that the employer expects to respond to fires at the employer's worksite has been given a copy of the current plan.

(5) **Contract employers.** Contract employers in shipyard employment must have a fire safety plan for their employees, and this plan must comply with the host employer's fire safety plan.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01007, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01009 Precautions for hot work. (1) General requirements.

(a) **Designated areas.** The employer may designate areas for hot work in sites such as vessels, vessel sections, fabricating shops, and subassembly areas that are free of fire hazards.

(b) Nondesignated areas.

(i) Before authorizing hot work in a nondesignated area, the employer must visually inspect the area where hot work is to be performed, including adjacent spaces, to ensure the area is free of fire hazards, unless a marine chemist's certificate or shipyard competent person's log is used for authorization.

(ii) The employer shall authorize employees to perform hot work only in areas that are free of fire hazards, or that have been controlled by physical isolation, fire watches, or other positive means.

Note: The requirements of (b) of this subsection apply to all hot work operations in shipyard employment except those covered by WAC 296-304-02007.

(2) Specific requirements.

(a) **Maintaining fire hazard-free conditions.** The employer must keep all hot work areas free of new hazards that may cause or contribute to the spread of fire. Unexpected energizing and energy release are covered by WAC 296-304-120. Exposure to toxic and hazardous substances is covered in chapter 296-841 WAC, Respiratory hazards; chapter 296-802 WAC, Employee medical and exposure records; and WAC 296-800-170, Employer chemical hazard communication—Introduction.

(b) **Fuel gas and oxygen supply lines and torches.** The employer must make sure that:

(i) No unattended fuel gas and oxygen hose lines or torches are in confined spaces;

(ii) No unattended charged fuel gas and oxygen hose lines or torches are in enclosed spaces for more than fifteen minutes;

(iii) All fuel gas and oxygen hose lines are disconnected at the supply manifold at the end of each shift; and

(iv) All disconnected fuel gas and oxygen hose lines are rolled back to the supply manifold or to open air to disconnect the torch; or extended fuel gas and oxygen hose lines are not reconnected at the supply manifold unless the lines are given a positive means of identification when they were first

connected and the lines are tested using a drop test or other positive means to ensure the integrity of fuel gas and oxygen burning system.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01009, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01011 Fire watches. (1) **Written fire watch policy.** The employer must create and keep current a written policy that specifies the following requirements for employees performing fire watch in the workplace:

(a) The training employees must be given (WAC 296-304-01019(3) contains detailed fire watch training requirements);

(b) The duties employees are to perform;

(c) The equipment employees must be given; and

(d) The personal protective equipment (PPE) that must be made available and worn as required by WAC 296-304-090.

(2) **Posting fire watches.** The employer must post a fire watch if during hot work any of the following conditions are present:

(a) Slag, weld splatter, or sparks might pass through an opening and cause a fire;

(b) Fire-resistant guards or curtains are not used to prevent ignition of combustible materials on or near decks, bulkheads, partitions, or overheads;

(c) Combustible material closer than thirty-five feet (10.7 m) to the hot work in either the horizontal or vertical direction cannot be removed, protected with flame-proof covers, or otherwise shielded with metal or fire-resistant guards or curtains;

(d) The hot work is carried out on or near insulation, combustible coatings, or sandwich-type construction that cannot be shielded, cut back, or removed, or in a space within a sandwich-type construction that cannot be inerted;

(e) Combustible materials adjacent to the opposite sides of bulkheads, decks, overheads, metal partitions, or sandwich-type construction may be ignited by conduction or radiation;

(f) The hot work is close enough to cause ignition through heat radiation or conduction on the following:

(i) Insulated pipes, bulkheads, decks, partitions, or overheads; or

(ii) Combustible materials and/or coatings;

(g) The work is close enough to unprotected combustible pipe or cable runs to cause ignition; or

(h) A marine chemist, a Coast Guard-authorized person, or a shipyard competent person, as defined in WAC 296-304-020, requires that a fire watch be posted.

(3) **Assigning employees to fire watch duty.**

(a) The employer must not assign other duties to a fire watch while the hot work is in progress.

(b) Employers must ensure that employees assigned to fire watch duty:

(i) Have a clear view of and immediate access to all areas included in the fire watch;

(ii) Are able to communicate with workers exposed to hot work;

(iii) Are authorized to stop work if necessary and restore safe conditions within the hot work area;

(iv) Remain in the hot work area for at least thirty minutes after completion of the hot work, unless the employer or its representative surveys the exposed area and makes a determination that there is no further fire hazard;

(v) Are trained to detect fires that occur in areas exposed to the hot work;

(vi) Attempt to extinguish any incipient stage fires in the hot work area that are within the capability of available equipment and within the fire watch's training qualifications, as defined in WAC 296-304-01019;

(vii) Alert employees of any fire beyond the incipient stage; and

(viii) If unable to extinguish fire in the areas exposed to the hot work, activate the alarm.

(c) The employer must ensure that employees assigned to fire watch are physically capable of performing these duties.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01011, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01013 Fire response. (1) **Employer responsibilities.** The employer must:

(a) Decide what type of response will be provided and who will provide it; and

(b) Create, maintain, and update a written policy that:

(i) Describes the internal and outside fire response organizations that the employer will use; and

(ii) Defines what evacuation procedures employees must follow, if the employer chooses to require a total or partial evacuation of the worksite at the time of a fire.

(2) **Required written policy information.**

(a) **Internal fire response.** If an internal fire response is to be used, the employer must include the following information in the employer's written policy:

(i) The basic structure of the fire response organization;

(ii) The number of trained fire response employees;

(iii) The fire response functions that may need to be carried out;

(iv) The minimum number of fire response employees necessary, the number and types of apparatuses, and a description of the fire suppression operations established by written standard operating procedures for each type of fire response at the employer's facility;

(v) The type, amount, and frequency of training that must be given to fire response employees; and

(vi) The procedures for using protective clothing and equipment.

(b) **Outside fire response.** If an outside fire response organization is used, the employer must include the following information in the written policy:

(i) The types of fire suppression incidents to which the fire response organization is expected to respond at the employer's facility or worksite;

(ii) The liaisons between the employer and the outside fire response organizations; and

(iii) A plan for fire response functions that:

(A) Addresses procedures for obtaining assistance from the outside fire response organization;

(B) Familiarizes the outside fire response organization with the layout of the employer's facility or worksite, including access routes to controlled areas, and site-specific opera-

tions, occupancies, vessels or vessel sections, and hazards; and

(C) Sets forth how hose and coupling connection threads are to be made compatible and includes where the adapter couplings are kept; or

(D) States that the employer will not allow the use of incompatible hose connections.

(c) **A combination of internal and outside fire response.** If a combination of internal and outside fire response is to be used, the employer must include the following information, in addition to the requirements in (a) and (b) of this subsection, in the written policy:

(i) The basic organizational structure of the combined fire response;

(ii) The number of combined trained fire responders;

(iii) The fire response functions that may need to be carried out;

(iv) The minimum number of fire response employees necessary, the number and types of apparatuses, and a description of the fire suppression operations established by written standard operating procedures for each particular type of fire response at the worksite; and

(v) The type, amount, and frequency of joint training with outside fire response organizations if given to fire response employees.

(d) **Employee evacuation.** The employer must include the following information in the employer's written policy:

(i) Emergency escape procedures;

(ii) Procedures to be followed by employees who may remain longer at the worksite to perform critical shipyard employment operations during the evacuation;

(iii) Procedures to account for all employees after emergency evacuation is completed;

(iv) The preferred means of reporting fires and other emergencies; and

(v) Names or job titles of the employees or departments to be contacted for further information or explanation of duties.

(e) **Rescue and emergency response.** The employer must include the following information in the employer's written policy:

(i) A description of the emergency rescue procedures; and

(ii) Names or job titles of the employees who are assigned to perform them.

(3) **Medical requirements for shipyard fire response employees.** The employer must ensure that:

(a) All fire response employees receive medical examinations to assure that they are physically and medically fit for the duties they are expected to perform;

(b) Fire response employees, who are required to wear respirators in performing their duties, meet the medical requirements of WAC 296-304-09007;

(c) Each fire response employee has an annual medical examination; and

(d) The medical records of fire response employees are kept in accordance with chapter 296-802 WAC, Employee medical and exposure records.

(4) **Organization of internal fire response functions.** The employer must:

(a) Organize fire response functions to ensure enough resources to conduct emergency operations safely;

(b) Establish lines of authority and assign responsibilities to ensure that the components of the internal fire response are accomplished;

(c) Set up an incident management system to coordinate and direct fire response functions, including:

(i) Specific fire emergency responsibilities;

(ii) Accountability for all fire response employees participating in an emergency operation; and

(iii) Resources offered by outside organizations; and

(d) Provide the information required in this subsection to the outside fire response organization to be used.

(5) **Personal protective clothing and equipment for fire response employees.**

(a) **General requirements.** The employer must:

(i) Supply to all fire response employees, at no cost, the appropriate personal protective clothing and equipment they may need to perform expected duties; and

(ii) Ensure that fire response employees wear the appropriate personal protective clothing and use the equipment, when necessary, to protect them from hazardous exposures.

(b) **Thermal stability and flame resistance.** The employer must:

(i) Ensure that each fire response employee exposed to the hazards of flame does not wear clothing that could increase the extent of injury that could be sustained; and

(ii) Prohibit wearing clothing made from acetate, nylon, or polyester, either alone or in blends, unless it can be shown that:

(A) The fabric will withstand the flammability hazard that may be encountered; or

(B) The clothing will be worn in such a way to eliminate the flammability hazard that may be encountered.

(c) **Respiratory protection.** The employer must:

(i) Provide self-contained breathing apparatus (SCBA) to all fire response employees involved in an emergency operation in an atmosphere that is immediately dangerous to life or health (IDLH), potentially IDLH, or unknown;

(ii) Provide SCBA to fire response employees performing emergency operations during hazardous chemical emergencies that will expose them to known hazardous chemicals in vapor form or to unknown chemicals;

(iii) Provide fire response employees who perform or support emergency operations that will expose them to hazardous chemicals in liquid form either:

(A) SCBA; or

(B) Respiratory protective devices certified by the National Institute for Occupational Safety and Health (NIOSH) under 42 CFR Part 84 as suitable for the specific chemical environment;

(iv) Ensure that additional outside air supplies used in conjunction with SCBA result in positive pressure systems that are certified by NIOSH under 42 CFR Part 84;

(v) Provide only SCBA that meet the requirements of NFPA 1981-1997 Standard on Open-Circuit Self-Contained Breathing Apparatus for the Fire Service (incorporated by reference, see WAC 296-304-01003); and

(vi) Ensure that the respiratory protection program and all respiratory protection equipment comply with chapter 296-842 WAC, Respiratory protection.

(d) **Interior structural firefighting operations.** The employer must:

(i) Supply at no cost to all fire response employees exposed to the hazards of shipyard fire response, a helmet, gloves, footwear, and protective hoods, and either a protective coat and trousers or a protective coverall; and

(ii) Ensure that this equipment meets the applicable recommendations in NFPA 1971-2000 Standard on Protective Ensemble for Structural Fire Fighting (incorporated by reference, see WAC 296-304-01003).

(e) **Proximity fire fighting operations.** The employer must provide, at no cost, to all fire response employees who are exposed to the hazards of proximity fire fighting, appropriate protective proximity clothing that meets the applicable recommendations in NFPA 1976-2000 Standard on Protective Ensemble for Proximity Fire Fighting (incorporated by reference, see WAC 296-304-01003).

(f) **Personal alert safety system (PASS) devices.** The employer must:

(i) Provide each fire response employee involved in fire fighting operations with a PASS device; and

(ii) Ensure that each PASS device meets the recommendations in NFPA 1982-1998 Standard on Personal Alert Safety Systems (PASS) (incorporated by reference, see WAC 296-304-01003).

(g) **Life safety ropes, body harnesses, and hardware.** The employer must ensure that:

(i) All life safety ropes, body harnesses, and hardware used by fire response employees for emergency operations meet the applicable recommendations in NFPA 1983-2001, Standard on Fire Service Life Safety Rope and System Components (incorporated by reference, see WAC 296-304-01003);

(ii) Fire response employees use only Class I body harnesses to attach to ladders and aerial devices; and

(iii) Fire response employees use only Class II and Class III body harnesses for fall arrest and rappelling operations.

(6) Equipment maintenance.

(a) **Personal protective equipment.** The employer must inspect and maintain personal protective equipment used to protect fire response employees to ensure that it provides the intended protection.

(b) **Fire response equipment.** The employer must:

(i) Keep fire response equipment in a state of readiness;

(ii) Standardize all fire hose coupling and connection threads throughout the facility and on vessels and vessel sections by providing the same type of hose coupling and connection threads for hoses of the same or similar diameter; and

(iii) Ensure that either all fire hoses and coupling connection threads are the same within a facility or vessel or vessel section as those used by the outside fire response organization, or supply suitable adapter couplings if such an organization is expected to use the fire response equipment within a facility or vessel or vessel section.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01013, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01015 Hazards of fixed extinguishing systems on board vessels and vessel sections. (1) Employer responsibilities. The employer must comply with the provisions of this section whenever employees are exposed to

fixed extinguishing systems that could create a dangerous atmosphere when activated in vessels and vessel sections, regardless of geographic location.

(2) **Requirements for automatic and manual systems.** Before any work is done in a space equipped with fixed extinguishing systems, the employer must either:

(a) Physically isolate the systems or use other positive means to prevent the systems' discharge; or

(b) Ensure employees are trained to recognize:

(i) Systems' discharge and evacuation alarms and the appropriate escape routes; and

(ii) Hazards associated with the extinguishing systems and agents including the dangers of disturbing system components and equipment such as piping, cables, linkages, detection devices, activation devices, and alarm devices.

(3) **Sea and dock trials.** During trials, the employer must ensure that all systems shall remain operational.

(4) **Doors and hatches.** The employer must:

(a) Take protective measures to ensure that all doors, hatches, scuttles, and other exit openings remain working and accessible for escape in the event the systems are activated; and

(b) Ensure that all inward opening doors, hatches, scuttles, and other potential barriers to safe exit are removed, locked open, braced, or otherwise secured so that they remain open and accessible for escape if the systems' activation could result in a positive pressure in the protected spaces sufficient to impede escape.

(5) Testing the system.

(a) When testing a fixed extinguishing system involves a total discharge of extinguishing medium into a space, the employer must evacuate all employees from the space and assure that no employees remain in the space during the discharge. The employer must retest the atmosphere in accordance with WAC 296-304-02003 to ensure that the oxygen levels are safe for employees to enter.

(b) When testing a fixed extinguishing system does not involve a total discharge of the system's extinguishing medium, the employer must make sure that the system's extinguishing medium is physically isolated and that all employees not directly involved in the testing are evacuated from the protected space.

(6) **Conducting system maintenance.** Before conducting maintenance on a fixed extinguishing system, the employer must ensure that the system is physically isolated.

(7) **Using fixed manual extinguishing systems for fire protection.** If fixed manual extinguishing systems are used to provide fire protection for spaces in which the employees are working, the employer must ensure that:

(a) Only authorized employees are allowed to activate the system;

(b) Authorized employees are trained to operate and activate the systems; and

(c) All employees are evacuated from the protected spaces, and accounted for, before the fixed manual extinguishing system is activated.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01015, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01017 Land-side fire protection systems. (1) Employer responsibilities. The employer must

ensure all fixed and portable fire protection systems needed to meet WISHA standards for employee safety or employee protection from fire hazards in land-side facilities, including, but not limited to, buildings, structures, and equipment, meet the requirements of this section.

(2) Portable fire extinguishers and hose systems.

(a) The employer must select, install, inspect, maintain, and test all portable fire extinguishers according to NFPA 10-1998 Standard for Portable Fire Extinguishers (incorporated by reference, see WAC 296-304-01003).

(b) The employer is permitted to use Class II or Class III hose systems, in accordance with NFPA 10-1998, as portable fire extinguishers if the employer selects, installs, inspects, maintains, and tests those systems according to the specific recommendations in NFPA 14-2000 Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems (incorporated by reference, see WAC 296-304-01003).

(3) General requirements for fixed extinguishing systems. The employer must:

(a) Ensure that any fixed extinguishing system component or extinguishing agent is approved by an OSHA nationally recognized testing laboratory for use on the specific hazards the employer expects it to control or extinguish;

(b) Notify employees and take the necessary precautions to ensure employees are safe from fire if for any reason a fire extinguishing system stops working, until the system is working again;

(c) Ensure all repairs to fire extinguishing systems and equipment are done by a qualified technician or mechanic;

(d) Provide and ensure employees use proper personal protective equipment when entering discharge areas in which the atmosphere remains hazardous to employee safety or health, or provide safeguards to prevent employees from entering those areas. See WAC 296-304-02003 for additional requirements applicable to safe entry into spaces containing dangerous atmospheres;

(e) Post hazard warning or caution signs at both the entrance to and inside of areas protected by fixed extinguishing systems that use extinguishing agents in concentrations known to be hazardous to employee safety or health; and

(f) Select, install, inspect, maintain, and test all automatic fire detection systems and emergency alarms according to NFPA 72-1999 National Fire Alarm Code (incorporated by reference, see WAC 296-304-01003).

(4) Fixed extinguishing systems. The employer must select, install, maintain, inspect, and test all fixed systems required by WISHA as follows:

(a) Standpipe and hose systems according to NFPA 14-2000 Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems (incorporated by reference, see WAC 296-304-01003);

(b) Automatic sprinkler systems according to NFPA 25-2002 Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems, and either NFPA 13-1999 Standard for the Installation of Sprinkler Systems or NFPA 750-2000 Standard on Water Mist Fire Protection Systems (incorporated by reference, see WAC 296-304-01003);

(c) Fixed extinguishing systems that use water or foam as the extinguishing agent according to NFPA 15-2001 Standard for Water Spray Fixed Systems for Fire Protection; NFPA 11-1998 Standard for Low-Expansion Foam; and

NFPA 11A-1999 Standard for Medium- and High-Expansion Foam Systems (incorporated by reference, see WAC 296-304-01003);

(d) Fixed extinguishing systems using dry chemical as the extinguishing agent according to NFPA 17-2002 Standard for Dry Chemical Extinguishing Systems (incorporated by reference, see WAC 296-304-01003); and

(e) Fixed extinguishing systems using gas as the extinguishing agent according to NFPA 12-2000 Standard on Carbon Dioxide Extinguishing Systems; NFPA 12A-1997 Standard on Halon 1301 Fire Extinguishing Systems; and NFPA 2001-2000 Standard on Clean Agent Fire Extinguishing Systems (incorporated by reference, see WAC 296-304-01003).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01017, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01019 Training. (1) The employer must train employees in the applicable requirements of this section:

(a) By March 1, 2006, for employees currently working;

(b) Upon initial assignment for new employees; and

(c) When necessary to maintain proficiency for employees previously trained.

(2) Employee training. The employer must ensure that all employees are trained on:

(a) The emergency alarm signals, including system discharge alarms and employee evacuation alarms; and

(b) The primary and secondary evacuation routes that employees must use in the event of a fire in the workplace. While all vessels and vessel sections must have a primary evacuation route, a secondary evacuation route is not required when impracticable.

(3) Additional training requirements for employees expected to fight incipient stage fires. The employer must ensure that employees expected to fight incipient stage fires are trained on the following:

(a) The general principles of using fire extinguishers or hose lines, the hazards involved with incipient fire fighting, and the procedures used to reduce these hazards;

(b) The hazards associated with fixed and portable fire protection systems that employees may use or to which they may be exposed during discharge of those systems; and

(c) The activation and operation of fixed and portable fire protection systems that the employer expects employees to use in the workplace.

(4) Additional training requirements for shipyard employees designated for fire response. The employer must:

(a) Have a written training policy stating that fire response employees must be trained and capable of carrying out their duties and responsibilities at all times;

(b) Keep written standard operating procedures that address anticipated emergency operations and update these procedures as necessary;

(c) Review fire response employee training programs and hands-on sessions before they are used in fire response training to make sure that fire response employees are protected from hazards associated with fire response training;

(d) Provide training for fire response employees that ensures they are capable of carrying out their duties and

responsibilities under the employer's standard operating procedures;

(e) Train new fire response employees before they engage in emergency operations;

(f) At least quarterly, provide training on the written operating procedures to fire response employees who are expected to fight fires;

(g) Use qualified instructors to conduct the training;

(h) Conduct any training that involves live fire response exercises in accordance with NFPA 1403-2002 Standard on Live Fire Training Evolutions (incorporated by reference, see WAC 296-304-01003);

(i) Conduct semiannual drills according to the employer's written procedures for fire response employees that cover site-specific operations, occupancies, buildings, vessels and vessel sections, and fire-related hazards; and

(j) Prohibit the use of smoke generating devices that create a dangerous atmosphere in training exercises.

(5) Additional training requirements for fire watch duty.

(a) The employer must ensure that each fire watch is trained by an instructor with adequate fire watch knowledge and experience to cover the items as follows:

(i) Before being assigned to fire watch duty;

(ii) Whenever there is a change in operations that presents a new or different hazard;

(iii) Whenever the employer has reason to believe that the fire watch's knowledge, skills, or understanding of the training previously provided is inadequate; and

(iv) Annually.

(b) The employer must ensure that each employee who stands fire watch duty is trained in:

(i) The basics of fire behavior, the different classes of fire and of extinguishing agents, the stages of fire, and methods for extinguishing fires;

(ii) Extinguishing live fire scenarios whenever allowed by local and federal law;

(iii) The recognition of the adverse health effects that may be caused by exposure to fire;

(iv) The physical characteristics of the hot work area;

(v) The hazards associated with fire watch duties;

(vi) The personal protective equipment (PPE) needed to perform fire watch duties safely;

(vii) The use of PPE;

(viii) The selection and use of any fire extinguishers and fire hoses likely to be used by a fire watch in the work area;

(ix) The location and use of barriers;

(x) The means of communication designated by the employer for fire watches;

(xi) When and how to start fire alarm procedures; and

(xii) The employer's evacuation plan.

(c) The employer must ensure that each fire watch is trained to alert others to exit the space whenever:

(i) The fire watch perceives an unsafe condition;

(ii) The fire watch perceives that a worker performing hot work is in danger;

(iii) The employer or a representative of the employer orders an evacuation; or

(iv) An evacuation signal, such as an alarm, is activated.

(6) **Records.** The employer must keep records that demonstrate that employees have been trained as required by subsections (1) through (5) of this section.

(a) The employer must ensure that the records include the employee's name; the trainer's name; the type of training; and the date(s) on which the training took place.

(b) The employer must keep each training record for one year from the time it was made or until it is replaced with a new training record, whichever is shorter, and make it available for inspection and copying by WISHA on request.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-19-086, § 296-304-01019, filed 9/20/05, effective 12/1/05.]

WAC 296-304-01021 Competent person. (1) Application. This section applies to shipyard employment.

(2) Designation.

(a) One or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section, unless the requirements of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011, are always carried out by a marine chemist.

Exception: The employer may designate any person who meets the applicable portions of the criteria set forth in subsection (3) of this section as a competent person who is limited to performing testing to the following situations:

(i) Repair work on small craft in boat yards where only combustible gas indicator tests are required for fuel tank leaks or when using flammable paints below decks;

(ii) Building of wooden vessels where only knowledge of the precautions to be taken when using flammable paints is required;

(iii) The breaking of vessels where there is no fuel oil or other flammable hazard; and

(iv) Tests and inspections performed to comply with WAC 296-304-03007 (2)(h) and 296-304-03009 (1)(e).

(b) The employer shall maintain either a roster of designated competent persons or a statement that a marine chemist will perform the tests or inspections which require a competent person.

(c) The employer shall make the roster of designated persons or the statement available to employees, the employee's representative, or the director upon request.

(d) The roster shall contain, as a minimum, the following:

(i) The employer's name;

(ii) The designated competent person's name(s); and

(iii) The date the employee was trained as a competent person.

(3) **Criteria.** The employer shall ensure that each designated competent person has the following skills and knowledge:

(a) Ability to understand and carry out written or oral information or instructions left by marine chemists, Coast Guard-authorized persons and certified industrial hygienists;

(b) Knowledge of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011;

(c) Knowledge of the structure, location, and designation of spaces where work is done;

(d) Ability to calibrate and use testing equipment including, but not limited to, oxygen indicators, combustible gas

indicators, carbon monoxide indicators, and carbon dioxide indicators, and to interpret accurately the test results of that equipment;

(e) Ability to perform all required tests and inspections which are or may be performed by a competent person as set forth in WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011;

(f) Ability to inspect, test, and evaluate spaces to determine the need for further testing by a marine chemist or a certified industrial hygienist; and

(g) Ability to maintain records required by this section.

(4) Recordkeeping.

(a) When tests and inspections are performed by a competent person, marine chemist, or certified industrial hygienist as required by any provisions of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, or WAC 296-304-080 through 296-304-08011, the employer shall ensure that the person performing the test and inspection records the location, time, date, location of inspected spaces, and the operations performed, as well as the test results and any instructions.

(b) The employer shall ensure that the records are posted in the immediate vicinity of the affected operations while work in the spaces is in progress. The records shall be kept on file for a period of at least three months from the completion date of the specific job for which they were generated.

(c) The employer shall ensure that the records are available for inspection by the director, and employees and their representatives.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-19-086, § 296-304-01021, filed 9/20/05, effective 12/1/05.]

WAC 296-304-02003 Precautions and the order of testing before entering confined and enclosed spaces and other dangerous atmospheres. The employer shall ensure that atmospheric testing is performed in the following sequence: Oxygen content, flammability, toxicity.

(1) Oxygen content.

(a) The employer shall ensure that the following spaces are visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee:

(i) Spaces that have been sealed, such as, but not limited to, spaces that have been coated and closed up, and nonventilated spaces that have been freshly painted;

(ii) Spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases;

(iii) Spaces and adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive, or irritant;

(iv) Spaces and adjacent spaces that have been fumigated; and

(v) Spaces containing materials or residues of materials that create an oxygen-deficient atmosphere.

(b) If the space to be entered contains an oxygen deficient atmosphere, the space shall be labeled "not safe for workers" or, if oxygen-enriched, "not safe for workers—not safe for hot work." If an oxygen-deficient or oxygen-enriched

atmosphere is found, ventilation shall be provided at volumes and flow rates sufficient to ensure that the oxygen content is maintained at or above 19.5 percent and below 22.0 percent by volume. The warning label may be removed when the oxygen content is equal to or greater than 19.5 and less than 22.0 percent by volume.

(c) An employee may not enter a space where the oxygen content, by volume, is below 19.5 percent or above 22.0 percent.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space provided:

(i) The atmosphere in the space is monitored for oxygen content, by volume, continuously; and

(ii) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (a): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(2) Flammable atmospheres.

(a) The employer shall ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases are:

(i) Inspected visually by the competent person to determine the presence of combustible or flammable liquids; and

(ii) Tested by a competent person prior to entry by an employee to determine the concentration of flammable vapors and gases within the space.

(b) If the concentration of flammable vapors or gases in the space to be entered is equal to or greater than 10 percent of the lower explosive limit, the space shall be labeled "not safe for workers" and "not safe for hot work." Ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors is maintained below 10 percent of the lower explosive limit. The warning labels may be removed when the concentration of flammable vapors is below 10 percent of the lower explosive limit.

(c) An employee may not enter a space where the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space, provided:

(i) No ignition sources are present;

(ii) The atmosphere in the space is monitored continuously;

(iii) Atmospheres at or above the upper explosive limit are maintained; and

(iv) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note 1 to (2): Additional provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

Note 2 to (2): Additional provisions for work in spaces containing a flammable substance which also has a permissible exposure limit, are located in subsection (3) of this section and chapter 296-841 WAC.

(3) Toxic, corrosive, irritant or fumigated atmospheres and residues.

(a) The employer shall ensure that spaces or adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive or irritant are:

(i) Inspected visually by the competent person to determine the presence of toxic, corrosive, or irritant residue contaminants; and

(ii) Tested by a competent person prior to initial entry by an employee to determine the air concentration of toxics, corrosives, or irritants within the space.

(b) If a space contains an air concentration of a material which exceeds a chapter 296-841 WAC, permissible exposure limit (PEL) or is IDLH, the space shall be labeled "not safe for workers." Ventilation shall be provided at volumes and flow rates which will ensure that air concentrations are maintained within the PEL or, in the case of contaminants for which there is no established PEL, below the IDLH. The warning label may be removed when the concentration of contaminants is maintained within the PEL or below IDLH level.

(c) If a space cannot be ventilated to within the PELs or is IDLH, a marine chemist or CIH must retest until the space can be certified "enter with restrictions" or "safe for workers."

(d) An employee may not enter a space whose atmosphere exceeds a PEL or is IDLH.

Exception: An employee may enter for emergency rescue, or for a short duration for installation of ventilation equipment provided:

(i) The atmosphere in the space is monitored continuously;

(ii) Respiratory protection and other necessary and appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (3): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-9007.

(4) Training of employees entering confined and enclosed spaces or other dangerous atmospheres.

(a) The employer shall ensure that each employee that enters a confined or enclosed space and other areas with dangerous atmospheres is trained to perform all required duties safely.

(b) The employer shall ensure that each employee who enters a confined space, enclosed space, or other areas with dangerous atmospheres is trained to:

(i) Recognize the characteristics of the confined space;

(ii) Anticipate and be aware of the hazards that may be faced during entry;

(iii) Recognize the adverse health effects that may be caused by the exposure to a hazard;

(iv) Understand the physical signs and reactions related to exposures to such hazards;

(v) Know what personal protective equipment is needed for safe entry into and exit from the space;

(vi) Use personal protective equipment; and

(vii) Where necessary, be aware of the presence and proper use of barriers that may be needed to protect an entrant from hazards.

(c) The employer shall ensure that each entrant into confined or enclosed spaces or other dangerous atmospheres is trained to exit the space or dangerous atmosphere whenever:

(i) The employer or his or her representative orders evacuation;

(ii) An evacuation signal such as an alarm is activated; or

(iii) The entrant perceives that he or she is in danger.

(d) The employer shall provide each employee with training:

(i) Before the entrant begins work addressed by this chapter; and

(ii) Whenever there is a change in operations or in an employee's duties that presents a hazard about which the employee has not previously been trained.

(e) The employer shall certify that the training required by (a) through (d) of this subsection has been accomplished.

(i) The certification shall contain the employee's name, the name of the certifier, and the date(s) of the certification.

(ii) The certification shall be available for inspection by the director, employees, and their representatives.

(5) Rescue teams. The employer shall either establish a shipyard rescue team or arrange for an outside rescue team which will respond promptly to a request for rescue service.

(a) Shipyard rescue teams shall meet the following criteria:

(i) Each employee assigned to the shipyard team shall be provided with and trained to use the personal protective equipment he or she will need, including respirators and any rescue equipment necessary for making rescues from confined and enclosed spaces and other dangerous atmospheres.

(ii) Each employee assigned to the shipyard rescue team shall be trained to perform his or her rescue functions including confined and enclosed and other dangerous atmosphere entry.

(iii) Shipyard rescue teams shall practice their skills at least once every 12 months. Practice drills shall include the use of mannequins and rescue equipment during simulated rescue operations involving physical facilities that approximate closely those facilities from which rescue may be needed.

Note to (5)(a)(iii): If the team performs an actual rescue during the 12 month period, an additional practice drill for that type of rescue is not required.

(iv) At least one person on each rescue team shall maintain current certification in basic first aid which includes maintenance of an airway, control of bleeding, maintenance of circulation and cardiopulmonary resuscitation (CPR) skills.

(b) The employer shall inform outside rescue teams of the hazards that the team may encounter when called to perform confined and enclosed space or other dangerous atmosphere rescue at the employer's facility so that the rescue team can be trained and equipped.

Note to (5): The criteria for in-house rescue, listed in (5)(a) can be used by the employer in evaluating outside rescue services.

(6) Exchanging hazard information between employers. Each employer whose employees work in confined and enclosed spaces or other dangerous atmospheres shall ensure that all available information on the hazards, safety rules, and

emergency procedures concerning those spaces and atmospheres is exchanged with any other employer whose employees may enter the same spaces.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-304-02003, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060, 95-22-015, § 296-304-02003, filed 10/20/95, effective 1/16/96. Statutory Authority: Chapter 49.17 RCW, 95-04-006, § 296-304-02003, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-02003, filed 9/22/93, effective 11/1/93; Order 76-7, § 296-304-02003, filed 3/1/76; Order 74-25, § 296-304-02003, filed 5/7/74.]

WAC 296-304-03001 Toxic cleaning solvents. (1)

When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(a) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(b) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(c) The employer must ensure that employees are protected against:

- Toxic vapors by suitable respiratory protective equipment that meets the requirements of chapter 296-842 WAC; and
- Exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(2) The principles in the threshold limit values to which attention is directed in WAC 296-304-02005 and applicable sections in chapters 296-62 and 296-841 WAC will be used by the department of labor and industries in enforcement proceedings in defining a safe concentration of air contaminants.

(3) When flammable solvents are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-304-03001, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060, 98-02-006, § 296-304-03001, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW, 95-04-006, § 296-304-03001, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-03001, filed 9/22/93, effective 11/1/93; Order 76-7, § 296-304-03001, filed 3/1/76; Order 74-25, § 296-304-03001, filed 5/7/74.]

WAC 296-304-03005 Mechanical paint removers. (1)

Power tools.

(a) The employer must ensure that employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools are protected against eye injury by goggles or face shields that meets the requirements of WAC 296-304-09005 (1) and (2).

(b) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(c) Portable electric tools shall be grounded in accordance with the requirements of WAC 296-304-08003 (1) and (2).

(d) In a confined space, the employer must provide mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum, or must protect employees by

respiratory protective equipment that meets the requirements of chapter 296-842 WAC.

(2) Flame removal.

(a) The employer must ensure that when hardened preservative coatings are removed by flame in enclosed spaces, the employees exposed to fumes are protected by air line respirators that meet the requirements of chapter 296-842 WAC. Employees performing this operation in the open air, and those exposed to the resulting fumes, must be protected by a fume filter respirator that meets the requirements of WAC 296-62-071.

(b) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(3) Abrasive blasting.

(a) Equipment. Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) Hoses. Hose of a type to prevent shocks from static electricity shall be used.

(ii) Hose couplings. Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) Nozzles. Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) Dead man control. A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(b) Replacement. Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(c) Personal protective equipment.

(i) The employer must ensure that abrasive blasters working in enclosed spaces are protected by abrasive blasting respirators that meet the requirements of WAC 296-24-675 and chapter 296-842 WAC.

(ii) The employer must ensure that abrasive blasters working in the open are protected as required in subsection (1) of this section.

Exception: When synthetic abrasives containing less than one percent free silica are used, the employer may substitute particulate or dust filter respirators that are approved by the National Institute of Safety and Health (NIOSH) and used according to chapter 296-842 WAC.

(iii) The employer must ensure that employees, including machine tenders and abrasive recovery workers, working in areas where unsafe concentrations of abrasive materials and dusts are present are protected by eye and respiratory protective equipment that meets the requirements of WAC 296-304-09005 (1) and (2) and chapter 296-842 WAC.

Exception: This requirement does not apply to blasters.

(iv) The employer must ensure that a blaster is protected against injury from exposure to the blast by appropriate protective clothing, including gloves that meet the requirements of WAC 296-304-09015(1).

(v) A surge from a drop in pressure in the hose line can throw a blaster off the staging. To protect against this hazard,

the employer must ensure that a blaster is protected by a personal fall arrest system, that meets the requirements of WAC 296-304-09021. The personal fall arrest system must be tied off to the ship or other structure during blasting from elevations where adequate fall protection cannot be provided by railings.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-304-03005, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-304-03005, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-03005, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-03005, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-03005, filed 9/22/93, effective 11/1/93; Order 76-7, § 296-304-03005, filed 3/1/76; Order 74-25, § 296-304-03005, filed 5/7/74.]

WAC 296-304-03007 Painting. All respirators required by this section must meet the requirements of chapter 296-842 WAC.

(1) Paints mixed with toxic vehicles or solvents.

(a) When employees spray paints mixed with toxic vehicles or solvents, the employer must ensure that the following conditions are met:

(i) In confined spaces, employees continuously exposed to spraying are protected by air line respirators.

(ii) In tanks or compartments, employees continuously exposed to spraying are protected by air line respirators. Where mechanical ventilation is provided, employees are protected by respirators.

(iii) In large and well ventilated areas, employees exposed to spraying are protected by respirators.

(b) The employer must ensure that where employees apply by brush paints with toxic solvents in confined spaces or other areas where lack of ventilation creates a hazard, the employees are protected by filter respirators.

(c) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(2) Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents. Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80°F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(a) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(b) If the ventilation fails or if the concentration of solvent vapors reaches or exceeds ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

(c) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas

free shall be made after the ventilating equipment has been shut off for a least ten minutes.

(d) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) Only nonsparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is nonsparking.

(g) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(h) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(i) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling highly volatile paints must be protected according to WAC 296-304-090. All footwear must be nonsparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing must be made of cotton. Rubber gloves, instead of plastic gloves, must be used to protect against the danger of static sparks.

(j) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(k) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(l) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(m) The employer must ensure that all employees continuously in a compartment in which such painting is performed, are protected by air line respirators and by suitable protective clothing. Employees entering such compartments for a limited time must be protected by filter cartridge type respirators.

(n) The employer must ensure that all employees doing exterior paint spraying with such paints are protected by suitable filter cartridge type respirators and by suitable protective clothing.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-304-03007, filed 1/18/05, effective 3/1/05; 03-04-099, § 296-304-03007, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-03007, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-03007, filed 1/18/95, effective 3/10/95; 93-19-142 (Order

93-04), § 296-304-03007, filed 9/22/93, effective 11/1/93; Order 76-7, § 296-304-03007, filed 3/1/76; Order 74-25, § 296-304-03007, filed 5/7/74.]

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating. (1) Mechanical ventilation requirements.

(a) For the purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(2) Welding, cutting and heating in confined spaces.

(a) Except as provided in WAC 296-304-04001 (2)(c) and (3)(b), either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(b) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with WAC 296-304-05011 (2)(a) and (b).

(c) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of chapter 296-842 WAC, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(3) Welding, cutting or heating of metals of toxic significance.

(a) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(b) Welding, cutting, or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with local exhaust ventilation in accordance with the requirements of (1) of this section or

employees shall be protected by air line respirators in accordance with the requirements of chapter 296-842 WAC.

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(c) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of WAC 296-304-09003, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of chapter 296-842 WAC.

(d) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(4) Inert-gas metal-arc welding.

(a) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in WAC 206-304-04011(5) shall be protected by filter lenses meeting the requirements of Tables I-1A and B (see below). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of WAC 296-304-09001 (1) and (3) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of (3)(b) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(5) General welding, cutting and heating.

(a) Welding, cutting and heating not involving conditions or materials described in (2), (3) or (4) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(b) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equip-

ment in accordance with the requirements of Tables I-1A and B (see below).

(6) Residues and cargos of metallic ores.

Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

TABLE I-1A

FILTER LENSES FOR PROTECTION AGAINST
RADIANT ENERGY

OPERATIONS	ELECTRODE SIZE 1/32 IN	ARC CURRENT	MINIMUM PROTECTIVE SHADE
Shielded metal arc welding	Less than 3	Less than 60	7
	3-5	60-160	8
	5-8	160-250	10
	More than 8	250-550	11
Gas metal arc welding and flux cored arc weld- ing		Less than 60	7
		60-160	10
		160-250	10
		250-550	10
Gas Tungsten arc weld- ing		Less than 50	8
		50-150	8
		150-500	10
Air carbon arc cutting	(Light)	Less than 500	10
	(Heavy)	500-1000	11
Plasma arc welding		Less than 20	6
		20-100	8
		100-400	10
		400-800	11
Plasma arc cutting	(Light)**	Less than 300	8
	(Medium)**	300-400	9
	(Heavy)**	400-800	10
Torch brazing	—	—	3
Torch soldering	—	—	2
Carbon Arc welding	—	—	14

**These values apply where the actual arc is clearly seen. Lighter filters may be used when the arc is hidden by the workplace.

TABLE I-1B

FILTER LENSES FOR PROTECTION AGAINST
RADIANT ENERGY

OPERATIONS	PLATE THICKNESS... INCHES	PLATE THICKNESS... MM	MINIMUM* PROTECTIVE SHADE
Gas welding			
Light	Under 1/8	Under 3.2	4
Medium	1/8 - 1/2	3.2 - 12.7	5
Heavy	Over 1/2	Over 12.7	6
Oxygen cutting			
Light	Under 1	Under 25	3
Medium	1 - 6	25 - 100	4
Heavy	Over 6	Over 150	5

*As rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-304-04001, filed 1/18/05, effective 3/1/05; 03-04-099, § 296-304-04001, filed 2/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-04001, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-04001, filed 9/22/93, effective 11/1/93; Order 74-25, § 296-304-04001, filed 5/7/74.]

WAC 296-304-09007 Respiratory protection. The employer must provide respiratory protection that meets the requirements of chapter 296-842 WAC, Respirators.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-304-09007, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-304-09007, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-09007, filed 12/26/97, effective 3/1/98; Order 76-7, § 296-304-09007, filed 3/1/76; Order 74-25, § 296-304-09007, filed 5/7/74.]

Chapter 296-305 WAC

SAFETY STANDARDS FOR FIRE FIGHTERS

WAC

296-305-01003	Scope and application.
296-305-02501	Emergency medical protection.
296-305-04001	Respiratory equipment protection.
296-305-04501	Automotive fire apparatus design and construction.
296-305-05503	Summary of training requirements.

WAC 296-305-01003 Scope and application. (1) The rules of this chapter shall apply with respect to any and all activities, operations and equipment of employers and employees involved in providing fire protection services which are subject to the provisions of the Washington Industrial Safety and Health Act of 1973 (chapter 49.17 RCW).

(2) The provisions of this chapter apply to all fire fighters and their work places, including the fire combat scene. Although enforcement of applicable standards will result from provable violations of these standards at the fire combat scene, agents of the department will not act in any manner that will reduce or interfere with the effectiveness of the emergency response of a fire fighting unit. Activities directly related to the combating of a fire will not be subjected to the immediate restraint provisions of RCW 49.17.130.

(3) In the development of this document many consensus standards of the industry were considered and evaluated as to adaptability to the Washington state fire service industry. Where adaptable and meaningful, the fire fighter safety elements of these standards were incorporated into this WAC. Chapter 296-305 WAC, shall be considered as the fire fighter safety standards for the state of Washington.

(4) The provisions of this chapter cover existing requirements that apply to all fire departments. All fire departments shall have in place their own policy statement and operating instructions that meet or exceed these requirements. This chapter contains state and/or federal performance criteria that fire departments shall meet.

(5) Unless specifically stated otherwise by rule, if a duplication of regulations, or a conflict exists between the rules regulating wildland fire fighting and other rules in the chapter, only the rules regulating wildland fire fighting shall apply to wildland fire fighting activities and equipment.

(6) The provisions of this chapter shall be supplemented by the provisions of the general safety and health standards of the department of labor and industries, chapters 296-24, 296-62, 296-800, and 296-811 WAC. In the event of conflict between any provision(s) of this chapter and any provision(s) of the general safety and health standards, the provision(s) of this chapter shall apply.

(7) The provisions of this standard do not apply to industrial fire brigades, as defined in this chapter. Industrial fire

brigades are covered under the provisions of chapter 296-811 WAC, Fire brigades.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-305-01003, filed 12/20/05, effective 3/1/06. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-305-01003, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040. 99-05-080, § 296-305-01003, filed 2/17/99, effective 6/1/99. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-01003, filed 5/10/96, effective 1/1/97.]

WAC 296-305-02501 Emergency medical protection.

(1) Fire fighters who perform emergency medical care or otherwise may be exposed to blood or other body fluids shall be provided with emergency medical face protection devices, and emergency medical garments that meet the applicable requirements of NAPA, Standard on Protective Clothing for Emergency Medical Operations 1999, 1992 edition.

Note: Prior to purchase, fire departments should request the technical data package required in NAPA 1999, 1992 edition, in order to compare glove and garment performance data. Departments reviewing these packages should ensure a relative ranking of the performance data before they purchase in order to provide the best performance of the EMS personal protective clothing.

(2) Fire fighters shall don emergency medical gloves prior to initiating any emergency patient care.

(3) Fire fighters shall don emergency medical garments and emergency medical face protection devices prior to any patient care during which splashes of body fluids can occur such as situations involving spurting blood or childbirth.

Note: Fire fighter turnout gear and gloves with vapor barriers may be used in lieu of emergency medical gloves and garments.

(4) Contaminated emergency medical garments, emergency medical face protection, gloves, devices, and emergency medical gloves shall be cleaned and disinfected, or disposed of, in accordance with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

(5) Fire departments shall establish a designated infection (exposure) control officer who shall ensure that an adequate infection control plan is developed and all personnel are trained and supervised on the plan.

(6) The infection control officer shall be responsible for establishing personnel exposure protocols so that a process for dealing with exposures is in writing and available to all personnel.

(7) The infection control officer or his/her designee will function as a liaison between area hospitals and fire department members to provide notification that a communicable disease exposure is suspected or has been determined by hospital medical personnel. The department infection control officer will institute the established exposure protocols immediately after report of an exposure. The infection control officer shall follow the confidentiality requirements of chapter 246-100 WAC and the medical protocol requirements of chapter 296-802 WAC.

(8) Fire departments shall have a written infection (exposure) control plan which clearly explains the intent, benefits, and purpose of the plan. The written document must cover the standards of exposure control such as establishing the infection control officer and all members affected; education and training; HB. vaccination requirements; documentation

and record keeping; cleaning/disinfection of personnel and equipment; and exposure protocols.

(9) Policy statements and standard operating procedure guidelines shall provide general guidance and specific regulation of daily activities. Procedures shall include delegation of specific roles and responsibilities, such as regulation of infection control, as well as procedural guidelines for all required tasks and functions.

(10) Fire departments shall establish a records system for members health and training.

(11) Fire fighters shall be trained in the proper use of P.E., exposure protection, post exposure protocols, disease modes of transmission as it related to infectious diseases.

(12) Infectious disease programs shall have a process for monitoring fire fighters compliance with established guidelines and a means for correcting noncompliance.

(13) Fire department members shall be required to annually review the infectious disease plan, updates, protocols, and equipment used in the program.

(14) Fire departments shall comply with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens, in its entirety.

(15) Tuberculosis (TB) exposure and respiratory protection requirements.

(a) Fire fighters shall wear a particulate respirator (PR) when entering areas occupied by individuals with suspected or confirmed TB, when performing high risk procedures on such individuals or when transporting individuals with suspected or confirmed TB in a closed vehicle.

(b) A NIOSH-approved, 95% efficient particulate air respirator is the minimum acceptable level of respiratory protection.

(i) Fit tests are required.

(ii) Fit tests shall be done in accordance with chapter 296-842 WAC.

Note 1: Emergency-response personnel should be routinely screened for tuberculosis at regular intervals. The tuberculin skin test is the only method currently available that demonstrates infection with *Mycobacterium tuberculosis* (M. tuberculosis) in the absence of active tuberculosis.

Note 2: If possible, the rear windows of a vehicle transporting patients with confirmed, suspected, or active tuberculosis should be kept open, and the heater or air conditioner set on a noncirculating cycle.

Additional References:

Chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

WAC 296-62-08001(3), Exposure Control.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-305-02501, filed 1/18/05, effective 3/1/05; 04-10-026, § 296-305-02501, filed 4/27/04, effective 8/1/04; 03-09-110, § 296-305-02501, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-305-02501, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-02501, filed 5/10/96, effective 1/1/97.]

WAC 296-305-04001 Respiratory equipment protection. (1) Fire fighter's self-contained breathing apparatus (SCBA) shall:

- (a) Be pressure demand type (positive pressure);
- (b) Operate in the positive pressure mode only;
- (c) Have a minimum of thirty minutes service duration;
- (d) Be NIOSH certified; and

(e) Meet the requirements of the 1992 or 1997 edition of NFPA, Standard on Open Circuit Self Contained Breathing Apparatus for Fire Fighters 1981.

(2) Closed circuit SCBA shall:

- (a) Be positive pressure;
- (b) Be NIOSH certified; and
- (c) Have a minimum thirty-minute service duration.

(3) Members using SCBA's shall operate in teams of two or more.

(4) Except as otherwise provided in this chapter, fire departments shall adopt, maintain and implement a written respiratory protection program that addresses the requirements of chapter 296-842 WAC, Respirators and Part I-1, Asbestos, Tremolite, Anthophyllite, and Actinolite. This includes program administration, medical limitations, equipment limitations, equipment selection, inspection, use, maintenance, training, fit testing procedures, air quality, and program evaluation.

Note: Additional information on respirators and respirator usage can be found in ANSI Z88.2 - American National Standard for Respiratory Protection; ANSI Z88.5 - Practices for Respiratory Protection for Fire Service; various NFPA publications (1981, 1404, 1500, etc.), and the Washington State Fire Service Training Program for respiratory training and usage.

(5) When fire departments purchase compressed breathing air from a vendor, the fire department shall require the vendor to provide certification and documentation of breathing air quality as specified in subsection (21) of this section and in chapter 296-842 WAC.

(6) When the fire department makes its own breathing air or uses vendor purchased breathing air, the air quality from compressors, cascade systems cylinders, shall be tested at least quarterly as specified in subsection (21) of this section.

(7) Fit testing shall be conducted in accordance with this section and chapter 296-842 WAC, Respirators.

(a) Each new member shall be tested before being permitted to use SCBA's in a hazardous atmosphere.

(b) Only fire fighters with a properly fitting facepiece shall be permitted by the fire department to function in a hazardous atmosphere with SCBA. (Reference WAC 296-842-18005.)

(c) Fit testing shall be repeated:

(i) At least once every twelve months.

(ii) Whenever there are changes in the type of SCBA or facepiece used.

(iii) Whenever there are significant physical changes in the user. Example: Weight change of ten percent or more, scarring of face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal.

(d) The fit testing is done only in a negative-pressure mode. If the facepiece is modified for fit testing, the modification shall not affect the normal fit of the device. Such modified devices shall only be used for fit testing.

(e) The fit test procedures and test exercises described in WAC 296-62-07162, Asbestos, Appendix C, shall be followed unless stated otherwise in this chapter.

(f) Respirator fit test records shall include:

(i) Written guidelines for the respirator fit testing program including pass/fail criteria;

(ii) Type of respirator tested including manufacturer, model, and size;

(iii) Type of fit test and instrumentation or equipment used;

(iv) Name or identification of test operator;

(v) Name of person tested;

(vi) Date of test; and

(vii) Results of test.

Note: Fire fighters should be issued individual facepieces.

(8) Facial hair, contact lenses, and eye and face protective devices.

(a) A negative pressure respirator, any self-contained breathing apparatus, or any respirator which is used in an atmosphere immediately dangerous to life or health (IDLH) equipped with a facepiece shall not be worn if facial hair comes between the sealing periphery of the facepiece and the face or if facial hair interferes with the valve function.

(b) The wearer of a respirator shall not be allowed to wear contact lenses if the risk of eye damage is increased by their use.

(c) If a spectacle, goggle, or face shield must be worn with a facepiece, it shall be worn so as to not adversely affect the seal of the facepiece to the face. See WAC 296-62-07170(2).

(d) Straps or temple bars shall not pass between the seal or surface of the respirator and the user's face.

(9) At the end of suppression activities (to include fire overhaul) and before returning to quarters:

(a) Fire fighters shall be decontaminated prior to removal of respirators whenever fire fighting activities resulted in exposure to a hazardous substance.

(b) When exchanging air supply bottles during suppression or overhaul activities, reasonable precautions shall be taken to maintain uncontaminated atmosphere to the breathing zone and facepiece supply hose.

(10) Self-contained respiratory equipment shall be available and used by all fire fighters who enter into hazardous atmospheres during structural fire fighting activities.

(11) Positive pressure air line respirators may be used only for atmospheres other than IDLH and must be equipped with a five minute minimum capacity positive pressure escape bottle.

(a) If the service life of the auxiliary air supply is fifteen minutes or less it shall not be used for entry into an IDLH atmosphere but it may be used for escape purposes. The auxiliary air supply may be used for entry into an IDLH atmosphere only when the service life of the unit exceeds fifteen minutes and when not more than twenty percent of the noted air supply will be used during entry.

(b) The maximum length of hose for supplied air respirators is 300 feet (91 meters). Such hose shall be heavy duty nonkinking and NIOSH approved.

(12) Respirators shall be provided for, and shall be used by, all personnel working in areas where:

(a) The atmosphere is hazardous;

(b) The atmosphere is suspected of being hazardous; or

(c) The atmosphere may rapidly become hazardous;

(13) Anytime fire fighters are working inside a confined space, such persons shall be provided with SCBA or air line respirator with escape bottle, and shall use the equipment

unless the safety of the atmosphere can be established by testing and continuous monitoring.

(14) Fire fighters using a properly functioning SCBA shall not compromise the protective integrity of the SCBA by removing the facepiece for any reason in hazardous atmospheres or in atmospheres where the quality of air is unknown.

(15) Fire fighters shall receive training for each type and manufacturer of respiratory equipment available for their use, the step-by-step procedure for donning the respirator and checking it for proper function. Required training shall include:

- (a) Recognizing hazards that may be encountered;
- (b) Understanding the components of the respirator;
- (c) Understanding the safety features and limitations of the respirator; and
- (d) Donning and doffing the respirator.

(16) After completing such training, each fire fighter shall practice at least quarterly, for each type and manufacturer of respirator available for use, the step-by-step procedure for donning the respirator and checking it for proper function.

(17) Members shall be tested at least annually on the knowledge of respiratory protection equipment operation, safety, organizational policies and procedures, and facepiece seals, to the fire department's standard. Such records shall remain part of the member training file.

(18) Members shall be allowed to use only the make, model, and size respirator for which they have passed a fit test within the last twelve months.

(19) In cases where there is a reported failure of a respirator, it shall be removed from service, tagged and recorded as such, and tested before being returned to service.

(20) Fire fighters shall be thoroughly trained in accordance with the manufacturer's instructions on emergency procedures such as use of regulator bypass valve, corrective action for facepiece and breathing tube damage, and breathing directly from the regulator (where applicable).

(21) Compressed gaseous breathing air in the SCBA cylinder shall meet the requirements of ANSI/CGA G7.1 - Commodity Specification for Air, with a minimum air quality of grade D, as well as meeting a water vapor level of 24 ppm or less.

(22) SCBA cylinders shall be hydrostatically tested within the periods specified by the manufacturer and the applicable governmental agencies.

Additional reference: Chapter 296-842 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-305-04001, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-305-04001, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050. 02-12-098, § 296-305-04001, filed 6/5/02, effective 8/1/02. Statutory Authority: RCW 49.17.040. 99-05-080, § 296-305-04001, filed 2/17/99, effective 6/1/99. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-04001, filed 5/10/96, effective 1/1/97.]

WAC 296-305-04501 Automotive fire apparatus design and construction. (1) All new fire apparatus with the exception of specialized equipment, shall conform to the following minimum safety standards contained in NFPA Booklets No. 1901, 1902, 1903, 1904, and other 1900's.

(2) Fire apparatus, purchased after December 17, 1977, weighing 10,000 pounds or more shall conform with the fol-

lowing U.S. Department of Transportation standards, when applicable:

(a) 49 CFR Ch. V (10-93 edition) 571.121 "Air brake systems";

(b) 49 CFR Ch. V (10-93 edition) 571.106 "Hydraulic brake hoses";

(c) 49 CFR Ch. V (10-93 edition) 571-211 "Hydraulic brake hoses."

(3) Employers acquiring used apparatus or used equipment shall not be required to bring it under a more stringent code than the one in force at the time the apparatus was manufactured. However, such vehicle must meet applicable U.S. Department of Transportation standards and chapter 296-865 WAC, Motor vehicles.

(4) Fire apparatus tailboards and steps shall have a non-skid rough surface.

(5) Exhaust systems shall be installed and maintained in proper condition, and shall be so designed as to minimize the exposure of the fire fighter to the exhaust gases and fumes.

(6) Spinner knobs shall not be attached to the steering handwheel of fire apparatus.

(7) The transmission shifting pattern of the apparatus shall be clearly stenciled or labeled and posted so it can be clearly read by the driver while operating the apparatus.

(8) The height of any apparatus, over seven feet in height from the ground to the top of the beacon or highest point of the apparatus, shall be clearly labeled in a place where it can be easily and clearly read by the driver while operating the apparatus.

(9) All apparatus in excess of 10,000 pounds loaded weight, shall have the weight of the vehicle in pounds and tons clearly labeled in a place where it can be easily and clearly read by the driver while operating the apparatus.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-305-04501, filed 8/10/05, effective 10/1/05. Statutory Authority: RCW 49.17.040. 99-05-080, § 296-305-04501, filed 2/17/99, effective 6/1/99. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-04501, filed 5/10/96, effective 1/1/97.]

WAC 296-305-05503 Summary of training requirements. (1) Training on noise must conform to chapter 296-817 WAC, Hearing loss prevention (noise), and WAC 296-305-02005.

(2) Training on medical procedures shall conform to WAC 296-305-02501.

(3) Training on respiratory equipment shall conform to chapter 296-842 WAC, Respirators, and WAC 296-305-04001.

(4) Training on employee right-to-know procedures shall conform to WAC 296-800-170, chemical hazard communication program.

(5) Training on overhaul procedures and operations shall conform to WAC 296-305-05001.

(6) Training on wildland fires shall conform to WAC 296-305-07001 through 296-305-07019.

(7) Training on confined space entry and/or rescue shall conform to chapter 296-62 WAC, Part M, Permit-required confined spaces and WAC 296-305-05003.

(8) Live fire training in structures shall conform to NFPA 1403 and this section.

(9) The employer shall provide training and education for all members commensurate with those duties and functions that members are expected to perform. Such training and education shall be provided to members before they perform emergency activities. Fire service leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire department.

(10) The employer shall assure that training and education is conducted frequently enough to assure that each member is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger members or other employees. All members shall be provided with training at least annually. In addition, members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-055, § 296-305-05503, filed 10/3/05, effective 12/1/05; 05-03-093, § 296-305-05503, filed 1/18/05, effective 3/1/05; 03-11-060, § 296-305-05503, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-305-05503, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-05503, filed 5/10/96, effective 1/1/97.]

Chapter 296-307 WAC

SAFETY STANDARDS FOR AGRICULTURE

WAC

296-307-14805	Maintain handling records for covered pesticides.
296-307-14810	Implement a medical monitoring program.
296-307-14815	Identify a physician or other licensed health care professional.
296-307-14820	Make cholinesterase testing available.
296-307-14825	Respond to depressed cholinesterase levels.
296-307-14830	Provide medical removal protection benefits.

WAC 296-307-14805 Maintain handling records for covered pesticides.

You must:

- Maintain accurate records of all time that each employee spends handling category I or II organophosphate or N-methyl-carbamate pesticides (this includes employees who do not meet the handling hour thresholds in WAC 296-307-14810).

- Provide a completed CHOLINESTERASE MONITORING HANDLING HOURS REPORT (F413-065-000) to the physician or other licensed health care professional (LHCP) for each employee receiving a periodic cholinesterase blood test and make sure the report is submitted to the laboratory with each periodic cholinesterase test.

- Provide the employee with a copy of the CHOLINESTERASE MONITORING HANDLING HOURS REPORT upon request.

- Retain pesticide handling records for seven years.

- Make sure that pesticide-handling records are readily accessible to employees, their designated representatives, and treating health care professionals.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-074, § 296-307-14805, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14805, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14810 Implement a medical monitoring program.

You must:

- Implement a medical monitoring program for your employees who handle or will be expected to handle category I or II organophosphate or N-methyl-carbamate pesticides for thirty or more hours in any consecutive thirty-day period.

Note:

- You do not need to count time spent mixing and loading using closed systems (as defined in WAC 296-307-13045 (4)(d)) in determining the need for periodic testing. Closed cabs are not "closed systems." Time using closed systems is still counted for purposes of establishing coverage under this rule and determining the need for obtaining baseline cholinesterase levels.

- The first thirty consecutive day period begins on the first day of handling organophosphate or N-methyl-carbamate pesticides after obtaining the baseline cholinesterase test.

- There is nothing in this rule that prohibits employers from providing cholinesterase monitoring to employees who handle organophosphate or N-methyl-carbamate pesticides for fewer than thirty hours in any consecutive thirty-day period.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-074, § 296-307-14810, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14810, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14815 Identify a physician or other licensed health care professional.

You must:

- Identify a physician or other licensed health care professional (LHCP) who will:

- Provide baseline and periodic cholinesterase testing through the department of health public health laboratory or a laboratory approved by the department of labor and industries.

- Interpret cholinesterase tests.

- Provide you with a written recommendation for each employee's blood test and evaluation.

- Obtain the LHCP's written recommendation for each employee's blood test and evaluation (including baseline tests) and make sure that the employee receives a copy of the LHCP's written recommendation, either through you or directly through the LHCP, within five business days after you receive the recommendation.

- Make sure the LHCP's written recommendation for each employee's blood test and evaluation is limited to the following information:

- The employee's cholinesterase status based on the LHCP's evaluation.

- Identification of changes in cholinesterase levels requiring a work practice evaluation for the employee.

- Identification of changes in cholinesterase levels requiring the employee to be removed from handling and other exposure to organophosphate and N-methyl-carbamate pesticides.

- Guidance on medical monitoring.

- Any other relevant information concerning an employee's workplace exposure to organophosphate and N-methyl-carbamate pesticides.

Note:

- All testing for an employee should be conducted through the same laboratory. This will allow for accurate comparison between baseline and periodic tests.

You must:

• Instruct the LHCP to **NOT** reveal in writing or in any other communication with you any other personally identifiable medical information.

Note: If the LHCP written recommendation contains specific findings or diagnoses unrelated to occupational exposure, you should send it back and obtain a revised version without the additional information.

You must:

• Make sure the LHCP is familiar with the requirements of this rule (for example, by providing a copy of the rule or by confirming that the provider has attended training on the rule).

• Post the name, address, and telephone number of the LHCP you have identified at the locations where employees usually start their work day.

• Make sure written recommendations from the LHCP are maintained for seven years.

Note: You may only obtain the employee's actual test results if the employee provides the LHCP with written consent to share these results with you.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-074, § 296-307-14815, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14815, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14820 Make cholinesterase testing available.

You must:

• Make medical monitoring available to employees who will meet the handling hour threshold of thirty or more hours in any consecutive thirty-day period (WAC 296-307-14810) at no cost and at a reasonable time and place, as follows:

– Provide annual baseline red blood cell (RBC) and serum cholinesterase tests that are taken at least thirty days after the employee last handled organophosphate or N-methyl-carbamate pesticides.

– Provide periodic RBC and serum cholinesterase testing:

■ Within three days after the end of each thirty-day period where the employee meets the handling hour threshold in WAC 296-307-14810; however, testing is not required more often than every thirty days;

OR

■ At least every thirty days for those employees who may meet the handling hour threshold in WAC 296-307-14810.

– Follow the recommendations of the LHCP regarding continued employee pesticide handling or removal from handling until a thirty-day exposure free baseline can be established.

Exemption: You do not need to provide baseline or periodic testing for those employees whose work exposure is limited to handling only N-methyl-carbamate pesticides.

Note:

- For employees who have had exposure to organophosphate or N-methyl-carbamate pesticides in the thirty days prior to the test obtain a working baseline. For example, a worker who initially declines cholinesterase testing and later chooses to participate in testing would obtain a "working baseline."
- For new employees, the LHCP may accept previous baselines, if they are obtained according to this rule.

You must:

• Obtain a signed declination statement from the LHCP for each employee who declines cholinesterase testing.

– Employees may decline cholinesterase testing only after they receive training about cholinesterase inhibiting pesticides and discuss the risks and benefits of participation with the LHCP.

– An employee may change his or her mind and elect to participate or decline to continue participation in the testing program at any time.

• Make sure the employee receives a copy of the signed declination statement, either through you or directly through the LHCP, within five business days after you receive the declination statement.

Note: If employers discourage participation in cholinesterase monitoring, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.-160, Discrimination against employee filing, instituting proceedings, or testifying prohibited—Procedure—Remedy.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-074, § 296-307-14820, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14820, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14825 Respond to depressed cholinesterase levels.

You must:

• Respond to an employee's depressed cholinesterase levels by:

– Taking the actions required in Table 1;

AND

– Following any additional occupational health recommendations from the LHCP.

Table 1
Required Responses to an Employee's Depressed Cholinesterase Levels

When:	Action to be taken:	Methods:
An employee's RBC or serum cholinesterase levels fall more than twenty percent below the baseline	Evaluate the employee's workplace and work practices to identify and correct potential sources of pesticide exposure	<p>Review:</p> <ul style="list-style-type: none"> • Personal protective equipment (PPE) and its condition • Employees' PPE usage • General sanitation and decontamination practices and availability of decontamination facilities required by WAC 296-307-13050 • Pesticide handling practices • Pesticide label requirements

When:	Action to be taken:	Methods:
An employee's RBC cholinesterase level falls thirty percent or more from the baseline	Remove the employee from handling and other work exposures to organophosphate and N-methyl-carbamate pesticides such as thinning and harvesting in recently treated areas	<ul style="list-style-type: none"> When available, provide the employee with other duties that do not include handling and other work exposures to organophosphate and N-methyl-carbamate pesticides Provide medical monitoring and cholinesterase testing as recommended by the LHCP Provide salary and benefits as if employee was continuing pesticide application activities
OR	AND	
An employee's serum cholinesterase level falls forty percent or more from the baseline	Evaluate the employee's work practices to identify and correct potential sources of pesticide exposure	
A removed employee's cholinesterase levels return to twenty percent or less below baseline	The employee may return to handling class I and II organophosphate and N-methyl-carbamate pesticides	Continue periodic cholinesterase monitoring

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 06-01-074, § 296-307-14825, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14825, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14830 Provide medical removal protection benefits.

You must:

- Provide medical removal protection benefits for a maximum of three months on each occasion:
 - An employee is temporarily removed from work due to depressed cholinesterase levels;

OR

- Assigned to other duties due to depressed cholinesterase levels.
- Provide medical removal protection benefits that include maintenance of the same pay, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to organophosphate or N-methyl-carbamate pesticides or otherwise limited.

Note: The following are examples of how a worker's pay could be maintained while medically removed from exposure to cholinesterase-inhibiting pesticides:

- A removed worker is assigned to work eight hours a day but the employer's pesticide handlers are working ten hours a day. The removed worker would be paid for ten hours at the handler's pay rate.
- The farmer pays workers two dollars more per hour when they are handling organophosphate or N-methyl-carbamate pesticides. The removed worker will be paid this premium when the pesticides are being handled on the farm; however, the worker will be paid at their usual pay rate when the pesticides are not being handled on the farm.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 06-01-074, § 296-307-14830, filed 12/20/05, effective 2/1/06; 03-24-105, § 296-307-14830, filed 12/3/03, effective 2/1/04.]

Chapter 296-400A WAC PLUMBER CERTIFICATION RULES (Formerly chapter 296-400 WAC)

WAC

296-400A-005	What definitions do I need to know to understand these rules?
296-400A-021	How do I obtain a medical gas piping installer endorsement?
296-400A-022	What procedure is required for renewal of a journeyman medical gas endorsement?
296-400A-045	What fees will I have to pay?

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Advisory board" is the state advisory board of plumbers.

"Audit" means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"Backflow assembly" or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the Uniform Plumbing Code used to prevent the undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Continuing education" is approved plumbing and electrical courses for journeyman and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, specialty residential plumbers and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"Continuity affidavit" is a form developed by the department that is used to verify whether medical gas pipe installation work (brazing process) has been performed biannually. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer or another qualified verifier as determined by the department. Continuity is a visual examination by the employer of the brazing that was performed.

"Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

"Dispatcher" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"Department" is the department of labor and industries.

"Director" is the director of the department of labor and industries.

"Journeyman plumber" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"Medical gas piping installer" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"Medical gas piping systems" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, or medical vacuum systems.

"Plumbing" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

"Records" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"Specialty plumber" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"Supervision" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

[Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. 05-11-061, § 296-400A-005, filed 5/17/05, effective 6/30/05. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. 04-12-046, § 296-400A-005, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. 02-14-074, § 296-400A-005, filed 6/28/02, effective 7/1/02. Statutory Authority: Chapter 18.106 RCW. 98-13-126, § 296-400A-005, filed 6/17/98, effective 7/20/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. 97-11-052, § 296-400A-005, filed 5/20/97, effective 6/30/97.]

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? (Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.)

[2006 WAC Supp—page 1286]

You can obtain a medical gas piping installer endorsement by completing the following requirements:

- (1) Submit an application to the department; and
- (2) Pay the examination application fee shown in WAC 296-400A-045; and
- (3) Submit the required evidence of approved training to the department; and
- (4) Pass the written and practical competency examination;* and
- (5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

*The written and practical competency examination is performed under contract with a nationally recognized testing agency. The results of the competency examination will be forwarded to the department for processing.

[Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. 05-11-061, § 296-400A-021, filed 5/17/05, effective 6/30/05. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. 04-12-046, § 296-400A-021, filed 5/28/04, effective 6/30/04. Statutory Authority: Chapter 18.106 RCW. 98-13-126, § 296-400A-021, filed 6/17/98, effective 7/20/98.]

WAC 296-400A-022 What procedure is required for renewal of a journeyman medical gas endorsement? (1) Maintain an active Washington state journeyman certification;

- (2) Submit affidavit of continuity;
- (3) Submit affidavit of review of current medical gas code adopted by the Washington state building code council;
- (4) Pay the appropriate fee: If renewal occurs before expiration of current endorsement, the renewal fee shown in WAC 296-400A-045; if renewal occurs within ninety days of expiration of current endorsement, you must pay a double renewal fee; if the current endorsement has been expired for ninety-one days or more, you must take an examination relating to medical gas installation administered by the department and pay the examination application fee shown in WAC 296-400A-045; and
- (5) Contractors shall accurately verify and attest to brazing performed by the journeyman by sending an affidavit to the department.

[Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. 05-11-061, § 296-400A-022, filed 5/17/05, effective 6/30/05.]

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

- (1) Fees related to journeyman and specialty plumber certification:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$118.70
Reciprocity application*	Per application	\$118.70
Trainee certificate**	One year	\$35.50
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	90 days	\$59.10
Journeyman or residential specialty certificate***	Two years (fee may be prorated based on months)	\$95.10
Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	\$65.70
Medical gas endorsement application	Per application	\$43.80
Medical gas endorsement***	One year	\$32.70
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement fee for residential and journeyman certificates		\$190.50
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$109.70
Replacement fee for all certificates		\$16.20
Refund processing fee		\$25.70
Unsupervised trainee endorsement		\$25.70
Inactive status fee		\$25.70
Certified letter fee		\$25.70
Continuing education new course fee*****		\$154.50
Continuing education renewal course fee*****		\$77.20
Continuing education classes provided by the department		\$12 per continuing education training hour \$8 per continuing education training hour for correspondence and internet courses

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement.

** The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration.

*** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.

The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed biannually.

**** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

***** This fee is for a three-year period or code cycle.

(2) If your birth year is:

(a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

[Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. 05-11-061, § 296-400A-045, filed 5/17/05, effective 6/30/05. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399.

04-12-046, § 296-400A-045, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-400A-045, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. 02-14-074, § 296-400A-045, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 18.106.125, 99-07-101, § 296-400A-045, filed 3/23/99, effective 4/23/99. Statutory Authority: Chapter 18.106 RCW. 98-13-126, § 296-400A-045, filed 6/17/98, effective 7/20/98. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-400A-045, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. 97-11-052, § 296-400A-045, filed 5/20/97, effective 6/30/97.]

Chapter 296-800 WAC SAFETY AND HEALTH CORE RULES

WAC

296-800-160 Summary.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-800-290 Summary. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-290, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.

296-800-29005 Inspect your portable metal ladders periodically. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-29005, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010,

- 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29010 Make sure your portable metal ladders are kept in good condition. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-29010, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29015 Use your portable metal ladders safely. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-29015, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-29015, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29020 Inspect your portable wooden ladders frequently. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-29020, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29025 Make sure your portable wooden ladders are kept in a good condition. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-29025, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-29025, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29030 Use your portable wooden ladders safely and for their intended purpose. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-29030, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-29030, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29035 Safely use a portable wooden ladder when working more than 25 feet above ground. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-29035, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.
- 296-800-29040 Use wooden stepladders safely. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-29040, filed 5/9/01, effective 9/1/01.] Repealed by 05-20-068, filed 10/4/05, effective 1/1/06. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. Later promulgation, see chapter 296-876 WAC.

WAC 296-800-160 Summary. Your responsibility: To make sure that your employees have, use, and care for the appropriate personal protective equipment (PPE).

PPE is an item or items used to protect the eyes, face, head, body, arms, hands, legs, and feet such as goggles, helmets, head covers, gloves, rubber slickers, disposable coveralls, safety shoes, protective shields, and barriers.

You must:

Do a hazard assessment for PPE.

WAC 296-800-16005.

Document your hazard assessment for PPE.

WAC 296-800-16010.

Select appropriate PPE for your employees.

WAC 296-800-16015.

Provide PPE to your employees.

WAC 296-800-16020.

Train your employees to use PPE.

WAC 296-800-16025.

Retrain employees to use PPE, if necessary.

WAC 296-800-16030.

Document PPE training.

WAC 296-800-16035.

Require your employees to use necessary PPE on the job.

WAC 296-800-16040.

Keep your PPE safe and in good condition.

WAC 296-800-16045.

Make sure your employees use appropriate face and eye protection.

WAC 296-800-16050.

Make sure your employees use appropriate head protection.

WAC 296-800-16055.

Make sure your employees use appropriate foot protection.

WAC 296-800-16060.

Make sure your employees use appropriate hand protection.

WAC 296-800-16065.

Make sure your employees are protected from drowning.

WAC 296-800-16070.

Exemption: • WAC 296-800-16015, 296-800-16025, 296-800-16030, and 296-800-16035 do not apply to electrical protective equipment or respiratory protection. See chapters 296-24 WAC, Part L and chapter 296-842 WAC, for rules about these types of protective equipment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-800-160, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-160, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-160, filed 5/9/01, effective 9/1/01.]

Chapter 296-811 WAC FIRE BRIGADES

WAC

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| 296-811-500 | Requirements during fire fighting—Section contents. |
| 296-811-50005 | Brigade members in interior structural fires. |
| 296-811-600 | Definitions. |

WAC 296-811-100 Scope. This chapter applies if you choose to establish a fire brigade.

Definition:

A fire brigade is an organized group of employees whose primary employment is other than fire fighting but who are knowledgeable, trained, and skilled in specialized fire fighting operations based on site-specific hazards present at a single commercial facility or facilities under the same management.

Note: Nothing in this chapter requires you to establish an employee fire brigade.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-100, filed 12/20/05, effective 3/1/06.]

WAC 296-811-200 Establishing a fire brigade—Section contents.

Your responsibility:

To decide on brigade functions in the workplace and make sure brigade members are capable of doing them.

Organizing statement

WAC 296-811-20005.

Physical capability of brigade members

WAC 296-811-20010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-200, filed 12/20/05, effective 3/1/06.]

WAC 296-811-20005 Organizing statement.

You must:

- Develop a written fire brigade policy that is available for inspection by employees or their designated representatives, that covers all of the following:

- The role and responsibilities of the fire brigade in the workplace.

- The basic organizational structure of the fire brigade.

- The number of brigade members.

- Type, amount, and frequency of training for brigade members according to the section Fire fighting training, WAC 296-811-30010, in this chapter.

Note: You may also want to include:

- Descriptions of brigade member duties.
- Line authority of each brigade officer.
- Number of brigade officers.
- Number of training instructors.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-20005, filed 12/20/05, effective 3/1/06.]

WAC 296-811-20010 Physical capability of brigade members.

You must:

- Make sure brigade members who are assigned to fight interior structural fires are physically capable of doing this activity.

- Do not permit employees with known physical limitations that can be reasonably identified, such as heart disease or seizure disorder, to participate in structural fire fighting activities unless the employee has been released by a physician to do so.

Note: Not all brigade members need to be physically capable of fighting interior structural fires. Brigade members who are not physically capable of fighting interior structural fires may be assigned to other brigade duties that match their physical capabilities, such as pump operation or fire prevention inspection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-20010, filed 12/20/05, effective 3/1/06.]

WAC 296-811-300 Training—Section contents.

Your responsibility:

To inform brigade members of special hazards in the workplace and train them for their brigade functions.

Special hazards

WAC 296-811-30005.

Fire fighting training

WAC 296-811-30010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-300, filed 12/20/05, effective 3/1/06.]

WAC 296-811-30005 Special hazards.

You must:

- Develop, include in training, and make available to brigade members, written procedures that describe the following:

- The special hazards they may encounter in their workplace.

- The actions they need to take in situations that involve these hazards.

- Inform brigade members of any changes to those hazards, or the actions to take, when changes happen.

- Examples of special hazards include storing and using flammable liquids and gases, toxic chemicals, and radioactive substances.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-30005, filed 12/20/05, effective 3/1/06.]

WAC 296-811-30010 Fire fighting training.

You must:

- Make sure training that a brigade member receives elsewhere that meets one or more requirements in Table 1, Training for brigade members, has been:

- Received within the past year;

- Documented as having been received, such as with a completion certificate.

- Provide training frequently enough to keep brigade members able to do their functions satisfactorily and safely.

Note: You may choose to train more often, monthly or even weekly, for some equipment or techniques. Consult fire training resources, such as the International Fire Service Training Association, the National Fire Protection Association (NFPA), or the International Society of Fire Service Instructors, for recommendations about fire training schools or programs.

You must:

- Make sure brigade members are trained according to Table 1, Training for Brigade Members.

Table 1: Training for Brigade Members

For these brigade members	Provide training that is	At these times
All brigade members, including leaders, trainers, and incident commanders.	<ul style="list-style-type: none"> • Appropriate to their assigned duties and functions. • Appropriate to special hazards in the workplace. • Similar to that of reputable fire training schools. • A combination of hands-on and classroom experiences. • Suited to the industry you are part of, such as oil refining or chemical processing. 	<ul style="list-style-type: none"> • Initially before they do any fire brigade emergency activities; <p>AND</p> <ul style="list-style-type: none"> • Every year after initial training.
Brigade members assigned to do interior structural fire fighting.	All of the above plus the following: <ul style="list-style-type: none"> • Specific training in interior structural fire fighting. 	At the above times plus the following: <ul style="list-style-type: none"> • Every quarter.

For these brigade members	Provide training that is	At these times
Brigade members assigned as leaders, training instructors, or both.	All of the above plus the following: <ul style="list-style-type: none"> Additional training that is more comprehensive than that of other brigade members and appropriate to their assigned duties and functions. 	As needed to maintain their expertise at a higher level than that of other brigade members.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-30010, filed 12/20/05, effective 3/1/06.]

WAC 296-811-400 Equipment—Section contents.

Your responsibility:

To provide brigade members with equipment and protective clothing appropriate for their brigade functions.

Fire fighting equipment

WAC 296-811-40005.

Protective clothing

WAC 296-811-40010.

Respiratory protective devices

WAC 296-811-40015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-400, filed 12/20/05, effective 3/1/06.]

WAC 296-811-40005 Fire fighting equipment.

You must:

- Provide appropriate fire fighting equipment for the fire brigade.
- Inspect and maintain brigade fire fighting equipment according to Table 2, Fire Brigade Equipment Inspection and Maintenance.

Table 2: Fire Brigade Equipment Inspection and Maintenance

For this equipment	Do the following
All brigade fire fighting equipment.	<ul style="list-style-type: none"> • Inspect at least every year. • Maintain in safe operating condition. • Replace if damaged or in unsafe condition.
Brigade respirators and portable fire extinguishers.	Inspect at least every month and after each use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-40005, filed 12/20/05, effective 3/1/06.]

WAC 296-811-40010 Protective clothing.

You must:

- Provide appropriate protective clothing for fire brigade members who do interior structural fire fighting. Make sure protective clothing is:
 - Provided at no cost.
 - Meets the requirements for foot, body, hand, eye, face, and head protection found in another chapter, Safety standards for fire fighters, chapter 296-305 WAC.

Exemption: • Protective clothing requirements do not apply to the following fire brigade members:

- Those who don't perform interior structural fire fighting.

– Those who use only standpipe systems or portable fire extinguishers to control or put out fires that are in the incipient stage only.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-40010, filed 12/20/05, effective 3/1/06.]

WAC 296-811-40015 Self-contained breathing apparatus' (SCBAs).

You must:

- Provide SCBAs, other than escape self-contained breathing apparatus' (ESCBAs), and make sure they are used by fire brigade members who do interior structural fire fighting.

- Make sure SCBAs do the following:

– Meet the requirements found in another chapter, Respirators, chapter 296-842 WAC.

– Are positive-pressure or pressure-demand type.

– Use only compressed-air cylinders that:

■ Meet department of transportation (DOT) and the National Institute for Occupational Safety and Health (NIOSH) requirements.

– Have a service life of at least thirty minutes, as required by 42 CFR, Part 84.

– Have an automatic alarm that can be heard when seventy-five to eighty percent of its service life has been used up.

Note:

• An SCBA can have a quick-disconnect valve or "buddy breathing" accessory **only if** the valve or accessory **does not** do any of the following:

– Damage the SCBA.

– Restrict the SCBA's air flow.

– Interfere with the SCBA's normal operation.

– The "buddy breathing" accessory or quick-disconnect valve need not be certified by NIOSH.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-40015, filed 12/20/05, effective 3/1/06.]

WAC 296-811-500 Requirements during fire fighting—Section contents.

Your responsibility:

To make sure brigade members use safe practices during interior structural fire fighting.

Brigade members in interior structural fires

WAC 296-811-50005.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-500, filed 12/20/05, effective 3/1/06.]

WAC 296-811-50005 Brigade members in interior structural fires.

IMPORTANT:

Nothing in this section is meant to prevent fire brigade members assigned to respond to fires from rescue activities in an immediately dangerous to life and health (IDLH) atmosphere before the whole team assigned to respond to fires has arrived.

You must:

- Make sure at least two qualified fire brigade members go together into an IDLH atmosphere and remain in visual or voice contact with each other at all times.

• Maintain standby assistance, with two people, as required by another section, Standby requirements for immediately dangerous to life or health (IDLH) conditions, WAC 296-842-19005.

Note: One of the two brigade members providing standby assistance can be assigned another role, such as safety officer, as long as the safety or health of any fire fighter working the incident will not be jeopardized if the brigade member becomes unavailable through giving assistance or rescue.

Reference: More information on interior structural fires is located in another section, WAC 296-305-05001, Emergency fireground operations—Structural.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-50005, filed 12/20/05, effective 3/1/06.]

WAC 296-811-600 Definitions.

Buddy-breathing device

An equipment accessory for self-contained breathing apparatus (SCBA) that permits a second person (a "buddy") to share the air supply used by the SCBA wearer.

Extinguisher classification

The letter classification given an extinguisher to designate the class or classes of fires on which that extinguisher will be effective. For example, use a Class A extinguisher on a Class A fire. See also fire classifications.

Portable fire extinguishers are classified for use on certain classes of fires and are rated within that class for relative extinguishing effectiveness at a temperature of plus 70°F by nationally recognized testing laboratories. This is based upon fire classifications and fire extinguishment potentials as determined by fire tests.

Note: The classification and rating system described in this section is used by Underwriters' Laboratories, Inc., and Underwriters' Laboratories of Canada, and is based on extinguishing preplanned fires of determined size and description as follows:

Extinguisher Class	Fire Test for Classification and Rating
Class A	Wood and excelsior fires excluding deep-seated conditions.
Class B	Two-inch depth gasoline fires in square pans.
Class C	No fire test. Agent must be a nonconductor of electricity.
Class D	Special tests on specific combustible metal fires.

Extinguisher rating (see also "extinguisher classification")

The numerical rating, such as 2A, given to an extinguisher that indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

Fire brigade

An organized group of employees whose primary employment is other than fire fighting but who are knowledgeable, trained, and skilled in specialized fire fighting operations based on site-specific hazards present at a single commercial facility or facilities under the same management.

Fire classifications

Fires are classified based on the types of burning materials:

Fire Class	Types of Burning Materials
Class A	Fires involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

Fire Class	Types of Burning Materials
Class B	Fires involving flammable or combustible liquids, flammable gases, greases, and similar materials, and some rubber and plastic materials.
Class C	Fires involving energized (live) electrical equipment where it is important that the extinguishing agent not conduct electricity. (When electrical equipment is de-energized, it is safe to use an extinguisher for Class A or B fires on it, since electricity is not an issue then.)
Class D	Fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium, and potassium.

Incipient fire stage

A fire in the beginning stage that can be controlled or put out by portable fire extinguishers, or small hose systems, without the need for protective clothing or breathing apparatus.

Inspection

A visual check of fire protection systems and equipment to ensure they are in place, charged, and ready for use if there is a fire.

Interior structural fire fighting

The physical activity of suppressing fire, rescuing people, or both, inside buildings or enclosed structures involved in a fire that is past the incipient stage.

Maintenance

Servicing fire protection equipment and systems to ensure they will perform as expected if there is a fire. Maintenance differs from inspection in that maintenance requires checking internal fittings, devices, and agent supplies, as well as correcting deficiencies found.

Self-contained breathing apparatus (SCBA)

Self-contained breathing apparatus (SCBA) in which the air pressure in the breathing zone is higher than that of the immediate environment during both inhaling and exhaling.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-01-073, § 296-811-600, filed 12/20/05, effective 3/1/06.]

Chapter 296-824 WAC EMERGENCY RESPONSE

WAC

296-824-20005	Develop an emergency response plan.
296-824-40005	Provide medical surveillance to employees.
296-824-60005	Personal protective equipment.
296-824-70005	Follow the appropriate postemergency response requirements.
296-824-800	Definitions.

WAC 296-824-20005 Develop an emergency response plan.

Note:

- You may already have an emergency response plan, such as required by chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities or by state and locally coordinated response efforts (Section 303 of Superfund Amendments and Reauthorization Act (SARA), Title III). You may use those plans to comply with this section, if they include the items listed below.
- Before a written emergency response plan can be developed, you will need to anticipate the types of uncontrolled releases that employees could encounter in your workplace(s).

You must:

(1) Make sure your plan is written and adequately addresses, as a minimum, all of the following:

- Preemergency planning and coordination with additional responders (including personnel from other employers such as: Fire departments, law enforcement agencies, emergency medical services, and state or federal agencies).
- Personnel roles, (See Table 1) and lines of authority and communications for all affected parties including responders
- Employee training (see WAC 296-824-30005 for more detail):

- Note:**
- Responders' level of training depends on the duties or roles the employer assigns.
 - Training for the employees' role should address the competencies specified in Tables 3 through 6.
 - Training on specific substances may be appropriate depending on the number and characteristics of hazardous substances expected to be encountered. For example, if employees may only respond to one substance, you could provide training (covering the knowledge and skills specified in Tables 3 through 6) on that single substance. If employees might respond to a range of hazardous substances, training may be required to cover categories of hazardous substances.
 - Videos and automated training methods (for example: Interactive computer-based programs) may be used in training; however, instructors must be readily available to:
 - Encourage and provide responses to questions for the benefit of the group.
 - Evaluate employee understanding of the material.
 - Provide other instructional interaction to the group.

- Emergency recognition
- Immediate emergency procedures including:
 - Methods of alerting employees (see WAC 296-800-310, exit routes and employee alarm systems) and outside responders
 - Procedures for limited action (emergency prevention)

Note: **Limited action** includes shutting down processes, closing emergency valves and other critical actions to secure the operation, or prevent the incident from increasing in severity.

Limited Action and Employee Roles	
If . .	Then employees involved would be:
Limited action could be conducted in the danger area	Considered emergency responders
Limited action will not be conducted in the danger area	Considered evacuees, not emergency responders

– Details of who will evacuate immediately and who will remain behind for limited action

- Evacuation routes and procedures
- How to establish safe distances and places of refuge (for example, during emergency response the incident commander (IC) decides to make changes based on new developments, i.e., changes in the wind direction).
 - Methods of securing and controlling access to the site
 - Emergency medical treatment and first aid
 - A complete personal protective equipment (PPE) program that addresses:
 - Selection of PPE including selection criteria to be used and the identification, specified use and limitations of the PPE selected.
 - Training on proper use of PPE (including maintenance).
 - Hazards created by wearing PPE including heat stress during temperature extremes, and/or other appropriate medical considerations.
 - Criteria used for determining the proper fit of PPE.
 - Procedures covering proper use of PPE including procedures for inspection, putting it on (donning) and removing it (doffing).
 - Maintenance of PPE including procedures for decontamination, disposal and storage.
 - Methods used to evaluate the effectiveness of your PPE program.

Note:

- If a manufacturer's printed information or WISHA rule adequately addresses procedural requirements (such as donning or doffing for PPE), it is not necessary to rewrite this into your program; simply attach the printed information.
- You may use written procedures provided by the equipment manufacturer when they meet the requirements of other chapters, including chapter 296-842 WAC, Respirators.

- Emergency equipment
- Emergency response procedures
- Decontamination procedures determined by a hazardous materials specialist or other qualified individual
- Methods to critically assess the response and conduct appropriate follow-up

You must:

(2) Make your written emergency response plan available to employees, their representatives, and WISHA personnel for inspecting or copying.

Note: In situations where multiple employers could respond to an incident, all plans should consistently address:

- Who will be designated as the incident commander (IC)

AND

- If, when, and how transfer of the incident commander (IC) position will take place.

Table 1 Roles and Duties of Emergency Responders	
If the employee's role is:	Then all of the following apply. They:
First responder at the awareness level	<ul style="list-style-type: none"> • Are likely to witness or discover a hazardous substance release • Are trained to initiate an emergency response by notifying the proper authorities of the release • Take no further action beyond notifying the authorities
First responder at the operations level	<ul style="list-style-type: none"> • Respond to actual or potential releases in order to protect nearby persons, property, and/or the environment from the effects of the release • Are trained to respond defensively, without trying to stop the release • May try to: <ul style="list-style-type: none"> – Confine the release from a safe distance

Table 1
Roles and Duties of Emergency Responders

If the employee's role is:	Then all of the following apply. They:
	<ul style="list-style-type: none"> - Keep it from spreading - Protect others from hazardous exposures
Hazardous materials technician	<ul style="list-style-type: none"> • Respond to releases or potential releases, with the intent of stopping the release • Are trained to approach the point of release offensively in order to, either: <ul style="list-style-type: none"> - Plug - Patch - Stop the release using other methods
Hazardous materials specialist	<ul style="list-style-type: none"> • Respond along with, and provide support to, hazardous materials technicians • Are required to have more specific knowledge of hazardous substances than a hazardous materials technician • Act as the site activity liaison when federal, state, local, and other government authorities participate
Incident commander	<ul style="list-style-type: none"> • Have ultimate responsibility for: <ul style="list-style-type: none"> - Direction - Control - Coordination of the response effort - Will assume control of the incident beyond the first responder awareness level
Specialist employee	<ul style="list-style-type: none"> • Are a technical, medical, environmental, or other type of expert • May represent a hazardous substance manufacturer, shipper, or a government agency • May be present at the scene or may assist from an off-site location • Regularly work with specific hazardous substances • Are trained in the hazards of specific substances • Are expected to give technical advice or assistance to the incident commander or incident safety officer, when requested
Skilled support personnel	<ul style="list-style-type: none"> • Are needed to perform an immediate, specific emergency support task at the site • Are skilled in the operation of equipment including: <ul style="list-style-type: none"> – Earth moving equipment – Cranes – Hoisting equipment
Incident safety officer	<ul style="list-style-type: none"> • Are designated by the incident commander • Are knowledgeable in operations being implemented at the site • Have specific responsibility to: <ul style="list-style-type: none"> – Identify and evaluate hazards – Provide direction on employee safety matters

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-824-20005, filed 1/18/05, effective 3/1/05; 02-20-034, § 296-824-20005, filed 9/24/02, effective 10/1/02.]

WAC 296-824-40005 Provide medical surveillance to employees.

You must:

(1) Provide medical surveillance for employees to comply with Tables 7 and 8, and the following:

- Make medical surveillance available at:

- Reasonable times and places.

- No cost to employees, including travel associated costs such as mileage, gas or bus fare if the employee is required to travel off site

AND

- Wages for additional time spent outside of employees normal work hours.

- Make sure a licensed physician performs or supervises exams and procedures.

- Give complete information to the examining physician including:

- A copy of this chapter.

- A description of the employee's duties that relate to hazardous substance exposure.

- The hazardous substance exposure levels anticipated for the employee.

- A description of the personal protective equipment (PPE) the employee could use.

- Information available from previous medical examinations.

- The medical evaluation information required by chapter 296-842 WAC, Respirators.

- Medical exams must include, at a minimum:

- A medical history

- A work history (or updated history if on file)

- A special emphasis on:

- Assessment of symptoms related to handling hazardous substances

- Health hazards

- Evaluation of fitness for duty (including the ability to wear any personal protective equipment (PPE) or other conditions that may be expected at the workplace)

- Other content as determined by the examining physician.

Note: The physician should consult the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* and the *Medical Management Guidelines for Acute Chemical Exposure* (search OSHA web site: <http://www.osha.gov>).

(2) Obtain the physician's written opinion and give a copy to the employee that includes:

- A statement of whether or not medical conditions were found which would increase the employee's risk for impairment during emergency response work or respirator use.

- Do not include specific findings or diagnoses unrelated to occupational exposures.

- Limitations recommended to the employee's assigned work, if any.

- Exam and test results if the employee requests this information.

- A statement that affirms the employee has been confidentially informed of medical exam results (including medical conditions requiring follow-up).

Table 7 Medical Surveillance for Employee Categories	
If the employee is covered by this chapter and is:	Then you must:
<ul style="list-style-type: none"> • Exposed for at least 30 days a year to health hazards or hazardous substances at or above the permissible exposure limit or published exposure levels (even when respirators are used), OR • Required to wear a respirator for at least 30 days a year.* 	<ul style="list-style-type: none"> • Offer standard medical surveillance as specified in Table 8.*
<ul style="list-style-type: none"> • A hazardous materials (HAZMAT) team member • A hazardous materials specialist 	<ul style="list-style-type: none"> • Provide standard medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • An emergency responder who shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances during an incident. 	<ul style="list-style-type: none"> • Provide incident-specific medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • Not an emergency responder and: <ul style="list-style-type: none"> – May be injured – Shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances – May have been exposed to hazardous substances at concentrations above the permissible exposure limits (PELs) or the published exposure levels without appropriate PPE. 	<ul style="list-style-type: none"> • Offer incident-specific medical surveillance as specified in Table 8.

***Note:** A medical evaluation for respirator use is required by chapter 296-842 WAC, Respirators, for those employees who have not been cleared for respirator use during medical surveillance activities.

Table 8 Frequency of Exams and Consultations	
If the employee is covered by:	Then medical surveillance must include:
<ul style="list-style-type: none"> • Standard medical surveillance 	<ul style="list-style-type: none"> • Exams and consultations: <ul style="list-style-type: none"> – Before assignment. Note: If the employee is a hazardous materials (HAZMAT) team member or a hazardous materials specialist, the employee must receive a baseline physical examination. <ul style="list-style-type: none"> – At least once every 12 months after their initial assignment unless the physician believes a shorter, or longer interval (but no more than 24 months) is appropriate. – Whenever employees are reassigned to an area where they will no longer be covered by medical surveillance and they have not been examined within the past 6 months. – As soon as possible after an employee reports: <ul style="list-style-type: none"> ◆ Signs or symptoms of possible overexposure to hazardous substances or health hazards ◆ Injury ◆ Exposure above the permissible exposure limits or published exposure levels – At the termination of their employment unless they were examined within the past 6 months.
<ul style="list-style-type: none"> • Incident-specific medical surveillance 	<ul style="list-style-type: none"> • Medical consultations and exams: <ul style="list-style-type: none"> – As soon as possible following the incident or development of signs or symptoms. – At additional times, if the physician determines follow-up is medically necessary.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-824-40005, filed 1/18/05, effective 3/1/05; 02-20-034, § 296-824-40005, filed 9/24/02, effective 10/1/02.]

WAC 296-824-60005 Personal protective equipment.

Use appropriate personal protective equipment (PPE).

- Note:**
- Only properly trained employees should select PPE. Hazardous materials technicians and hazardous materials specialists can select PPE within the competencies specified in Table 4.
 - Selection requirements in other PPE rules also apply, including:
 - WAC 296-800-160, Personal protective equipment.
 - Chapter 296-842 WAC, Respirators.
 - WAC 296-24-58505, Fire brigades.
 - Chapter 296-305 WAC, Safety standards for fire fighting.

You must:

- Provide employees with appropriate PPE and make sure it is used if hazards could be present.

– Select PPE (such as respirators, gloves, protective suits and other PPE) based on:

♦ An evaluation of the performance characteristics (such as breakthrough time and hazardous substance-specificity of the material or item) relevant to the requirements and limitations of the site.

♦ Task-specific conditions and durations.

♦ The hazards and potential hazards of the site (see Table 9, Selecting PPE for Specific Hazards).

– Select totally encapsulating chemical protective (TECP) suits, as specified in Table 9, that:

♦ Maintain positive air pressure.

♦ Prevent inward test gas leakage of more than 0.5 percent.

Note: Follow the manufacturer's recommended procedure for testing a TECP suit's ability to maintain positive air pressure and prevent inward gas leakage. Other established test protocols for these suits, for example NFPA 1991 and ASTM F1052-97, may also be used.

Table 9
Selecting PPE for Specific Hazards

If:	Then:
• Inhalation hazards could be present.	• Positive-pressure (pressure-demand) self-contained breathing apparatus (SCBA) OR • A decreased level of respiratory protection only when the incident commander determines, from air monitoring results, that employees will be adequately protected.
Chemical exposure levels will create a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Either positive-pressure (pressure-demand): <ul style="list-style-type: none"> • SCBA • Air-line respirators equipped with an escape air supply.
Skin absorption of a hazardous substance may result in a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Protection equivalent to Level A including a totally encapsulating chemical protective (TECP) suit.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-824-60005, filed 1/18/05, effective 3/1/05; 02-20-034, § 296-824-60005, filed 9/24/02, effective 10/1/02.]

WAC 296-824-70005 Follow the appropriate post-emergency response requirements.

Important:

- Postemergency response is the stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.
- When cleanup is done by the employees who were part of the initial emergency response, the employees are not covered by this section (however, training, PPE and other requirements in WAC 296-824-20005 through 296-824-60015 apply to these employees).

You must:

- (1) Follow Table 10 to determine which requirements apply to your postemergency response activities.
- (2) Maintain clean-up equipment as specified in Table 10.

Table 10
Rules that Apply to Postemergency Response Activities

When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:	The following rules or requirements apply:
It is necessary to remove hazardous substances, health hazards and contaminated materials (example: Soil) from the site	Chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities.
Cleanup is done on plant property using plant or workplace employees AND	For training: <ul style="list-style-type: none"> • WAC 296-24-567(1), Employee emergency action plans • Chapter 296-842 WAC, Respirators

Table 10 Rules that Apply to Postemergency Response Activities	
When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:	The following rules or requirements apply:
It is not necessary to remove hazardous substances, health hazards and contaminated materials from the site.	<ul style="list-style-type: none"> • WAC 296-800-170, Employer chemical hazard communication • Other appropriate training requirements relevant to personal protective equipment (PPE) and decontamination For equipment: <ul style="list-style-type: none"> • Make sure that all equipment used for clean-up work is serviced and inspected before use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-824-70005, filed 1/18/05, effective 3/1/05; 02-20-034, § 296-824-70005, filed 9/24/02, effective 10/1/02.]

WAC 296-824-800 Definitions. The following definitions are specific to this chapter:

Annually

Any twelve-month cycle.

Buddy system

A system of organizing employees (who enter or stand by danger areas) into work groups, so each employee can be observed by at least one other member of the group. The purpose of this system is to provide rapid assistance to employees in an emergency.

Clean-up operation(s)

An operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared up or, in any other manner, processed or handled with the goal of making the site safer for people or the environment.

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Decontamination

Removing hazardous substances from employees and their equipment so potential adverse health effects will not occur.

Emergency response

An organized response to an anticipated release of a hazardous substance that is, or could become an uncontrolled release.

Emergency response plan

A written plan that requires coordination between emergency response participants, and contains procedures, criteria, and other information that will be applied to emergency response operations. Each employer's plan should be compatible with local and state plans.

Engineering controls

Methods of controlling employee exposures by modifying the source or reducing the quantity of contaminants.

Hazardous materials team (HAZMAT team)

A group of employees who are expected to perform responses to releases, or possible releases, of hazardous sub-

stances for the purpose of control and stabilization. As a result of their duties, HAZMAT team members may have close contact with hazardous substances.

Note: A HAZMAT team may be a separate component of a fire brigade or fire department.

Hazardous substance

Any of the following substances that could adversely affect an exposed employee's health or safety:

- Substances defined under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or "Superfund" Act (visit: <http://www.epa.gov>)

- Biological or other disease-causing agents released that could reasonably be expected to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in a person or their offspring when the person:
 - Is directly exposed to the agent in the environment
 - Directly ingests, inhales, or assimilates the agent from the environment
 - Indirectly ingests the agent through a food chain

- Substances listed by the United States Department of Transportation as hazardous materials under Title 49 (Transportation) in the Code of Federal Regulations (CFR), Part 172, section 101 and appendices (visit: <http://www.nara.gov> and search for "List of CFR subjects")

- Hazardous wastes as defined in this chapter.

Hazardous waste

A substance designated by chapter 173-303 WAC, Dangerous waste regulations, department of ecology, as a dangerous waste or an extremely hazardous waste and any waste fitting the definition of "health hazard" in this chapter.

Note: For department of ecology regulations, visit: <http://www.ecy.wa.gov>

Health hazard

A chemical, a mixture of chemicals, or a pathogen for which there is statistically significant evidence, based on at least one study conducted according to established scientific principles, that acute or chronic health effects may occur in exposed employees.

The term "health hazard" includes stress due to temperature extremes and chemicals that are:

- Carcinogens
- Toxic or highly toxic agents

- Reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, or neurotoxins
- Agents acting on the hematopoietic system agents that damage lungs, skin, eyes, or mucous membranes. (Detailed definitions of these chemical terms can be found in the Safety and health core rules, WAC 296-800-170, chemical hazard communication.)

Incident command system (ICS)

An organized approach to control and manage operations at an emergency response incident.

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an uncontrolled release.

Note:

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life

OR

- Cause permanent or delayed adverse health effects

OR

- Interfere with an employee's ability to escape

Limited action

Action necessary to:

- Secure an operation during emergency responses,

OR

- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Lines of authority

A preestablished ranking of individuals, qualified to assume a commanding role during an emergency response, noted in an emergency response plan and implemented during a response. This is most important when responders from multiple employers could participate in an emergency response.

Lower explosive limit (LEL)

See lower flammable limit (LFL).

Lower Flammable limit (LFL)

The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent (by volume) of the material in air (or other oxidant).

Must

Must means mandatory.

Permissible exposure limit (PEL)

Means the established time-weighted-average (TWA) concentration or ceiling concentration of a contaminant that must not be exceeded. The exposure, inhalation, or dermal permissible limit specified in chapter 296-841 WAC, identifying and controlling respiratory hazards.

Personal protective equipment (PPE)

Protective items designed to be worn by the user to protect them against airborne, skin contact and other hazards. This includes items such as respiratory protection, protective suits, gloves, eye protection, etc.

Postemergency response

The stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

Published exposure level

Exposure limits published in "*National Institute for Occupational Safety and Health (NIOSH) Recommendations for Occupational Safety and Health*" (DHHS publication #92-100, 1992).

If an exposure limit is not published by NIOSH, then "published exposure level" means the exposure limits published by the American Conference of Governmental Industrial Hygienists (ACGIH) in "*TLVs and BEIs-Threshold Limit Values for Chemical Substances and Physical Agents*" (1999 edition).

Note: Additional exposure levels published by recognized organizations such as the American Industrial Hygiene Association are not required to be observed by this rule; however, they may be a useful resource when a hazardous substance is not covered by NIOSH and ACGIH publications.

Release

A spill, leak, or other type of hazardous substance discharge.

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

- Large-quantity releases
- Small releases that could be highly toxic
- Potentially contaminated individuals arriving at hospitals
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

Workplace

- A fixed facility
- OR
- A temporary location (such as a traffic corridor)
- OR

- Locations where employees respond to emergencies.

You

The employer. For a complete definition of "employer" see Safety and health core rules, chapter 296-800 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-824-800, filed 1/18/05, effective 3/1/05; 02-20-034, § 296-824-800, filed 9/24/02, effective 10/1/02.]

Chapter 296-835 WAC**DIPPING AND COATING OPERATIONS (DIP TANKS)****WAC**

296-835-11045 Protect employees during welding, burning, or other work using open flames.

WAC 296-835-11045 Protect employees during welding, burning, or other work using open flames.**You must:**

• Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:

- Welding
- Burning

OR

- Open flames

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, chapter 296-24 WAC, Part I, and Respiratory protection, chapter 296-842 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-03-093, § 296-835-11045, filed 1/18/05, effective 3/1/05. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-15-102, § 296-835-11045, filed 7/17/02, effective 10/1/02.]

Chapter 296-839 WAC**CONTENT AND DISTRIBUTION OF MATERIAL SAFETY DATA SHEETS (MSDSs) AND LABEL INFORMATION****WAC**

296-839-30005 Develop or obtain material safety data sheets (MSDSs).
296-839-500 Definitions.

WAC 296-839-30005 Develop or obtain material safety data sheets (MSDSs).**You must:**

• Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to ALL of the following:

– ALL information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

- Note:**
- No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: <http://www.osha.gov>
 - One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) IF the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

– Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

– MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:

• Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

– Within three months after you first become aware of the information

OR

– Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8
Information Required on MSDSs

• The chemical's identity as it appears on the label
• The date the MSDS was prepared or updated
• A contact for additional information about the hazardous chemical and appropriate emergency procedures Include all of the following: <ul style="list-style-type: none"> – Name – Address – Telephone number of the responsible party preparing or distributing the MSDS
• The chemical's hazardous ingredients ¹ as determined by your hazard evaluation <ul style="list-style-type: none"> – For a single substance chemical, include the chemical and common name(s) of the substance – For mixtures tested as a whole <ul style="list-style-type: none"> ■ Include the common name(s) of the mixture AND ■ List the chemical and common name(s) of ingredients that contribute to the known hazards – For mixtures NOT tested as a whole, list the chemical and common name(s) of hazardous ingredients <ul style="list-style-type: none"> ■ That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume) – If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here
• Exposure limits for airborne concentrations. Include ALL of the following, when they exist: <ul style="list-style-type: none"> – WISHA or OSHA PELs² <ul style="list-style-type: none"> ■ The 8-hour time weighted average (TWA) ■ The short-term exposure limit (STEL), if available ■ Ceiling values, if available – Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values – Other exposure limits used or recommended by the employer preparing the MSDS
• Physical and chemical characteristics <ul style="list-style-type: none"> – For example, boiling point, vapor pressure, and odor
• Fire, explosion data, and related information <ul style="list-style-type: none"> – For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards
• Physical hazards of the chemical including reactivity information <ul style="list-style-type: none"> – For example, incompatibilities, decomposition products, by-products, and conditions to avoid
• Health hazard information including ALL of the following: <ul style="list-style-type: none"> – Primary routes of exposure <ul style="list-style-type: none"> ■ For example, inhalation, ingestion, and skin absorption or other contact³ – Health effects (or hazards) associated with: <ul style="list-style-type: none"> ■ Short-term exposure⁴ AND ■ Long-term exposure⁴ – Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following:

Table 8
Information Required on MSDSs

<ul style="list-style-type: none"> ■ The National Toxicology Program (NTP) Annual Report on Carcinogens OR ■ The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen OR ■ WISHA or OSHA rules <ul style="list-style-type: none"> – Signs and symptoms of exposure⁵ – Medical conditions generally recognized as being aggravated by exposure
<ul style="list-style-type: none"> • Emergency and first-aid procedures
<ul style="list-style-type: none"> • Generally applicable precautions for safe handling and use known to the employer preparing the MSDS <ul style="list-style-type: none"> – For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing
<ul style="list-style-type: none"> • Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following: <ul style="list-style-type: none"> – Engineering controls (for example, general or local exhaust ventilation) – Work practices – Personal protective equipment (PPE) – Personal hygiene practices – Protective measures during repair and maintenance of contaminated equipment

¹The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

² WISHA PEL categories are defined, and values are provided, in chapter 296-841 WAC, identifying and controlling respiratory hazards.

³ A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

⁴Examples of:

- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

⁵Signs and symptoms of exposure to hazardous substances include those that:

- Can be measured such as decreased pulmonary function

AND

- Are subjective such as feeling short of breath.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-839-30005, filed 1/18/05, effective 3/1/05; 03-01-096, § 296-839-30005, filed 12/17/02, effective 6/1/03.]

WAC 296-839-500 Definitions. The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

- Is not a fluid or particle

AND

• Is formed to a specific shape or design during manufacture for a particular end use function

AND

• Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

- An element or mixture of elements

OR

- A compound or mixture of compounds

OR

- A mixture of elements and compounds

Included are manufactured items (such as bricks, weld- ing rods and sheet metal) that are not exempt as an article.

Chemical name

- The scientific designation of a chemical developed by the

– International union of pure and applied chemistry (IUPAC)

OR

– Chemical abstracts service (CAS) rules of nomenclature

OR

- A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

- Generally in large quantities over time

OR

- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

- Code name or number

OR

- Trade or brand name

OR

- Generic name.

Compressed gas

- A contained gas or mixture of gases with an absolute pressure greater than:

– 40 psi at 70°F (21.1°C)

OR

– 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

- A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Reaction vessels
- Storage tanks
- Rail cars.

Designated representative

- An individual or organization with written authorization from an employer

OR

- A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

- A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flammable

A chemical in one of the following categories:

- Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

- Flame projection of more than eighteen inches at full valve opening

OR

- A flashback (a flame extending back to the valve) at any degree of valve opening

- Gases that, at the temperature and pressure of the surrounding area, form a:

- Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

- Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

- Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

- Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:

- Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing

OR

- That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

- When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.

Flashpoint

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

- Tagliabue closed tester. Use this for liquids with a viscosity less than, 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

- Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

- Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical

A chemical, which is a physical or health hazard.

Hazard warning

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

Importer

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of two or more chemicals that retain their chemical identity after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of

hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits

See chapter 296-841 WAC, for definition of this term.

Physical hazards

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler

See "distributor."

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 05-03-093, § 296-839-500, filed 1/18/05, effective 3/1/05; 03-01-096, § 296-839-500, filed 12/17/02, effective 6/1/03.]

Chapter 296-841 WAC RESPIRATORY HAZARDS

WAC

296-841-100

Scope.

WAC 296-841-100 Scope. This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard

OR

• Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

• Evaluate employee exposures to determine if controls are needed

• Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material

• Use respirators if controls are not feasible or if they cannot completely remove the hazard.

Definition:

Exposed or exposure:

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Note:

- Examples of substances that may be respiratory hazards when airborne include:
 - Chemicals listed in Table 3
 - Any substance
 - Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
 - For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
 - That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
 - Atmospheres considered oxygen deficient
 - Biological agents such as harmful bacteria, viruses or fungi
 - Examples include airborne TB aerosols and anthrax
 - Pesticides with a label requirement for respirator use
 - Chemicals used as crowd control agents such as pepper spray

Reference:

- Chemicals present at clandestine drug labs.
- These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.
- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-800-160, Personal protective equipment, for additional information and requirements.
- If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	Chapter 296-849 WAC
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449 or 296-155-174
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1, 2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	Chapter 296-855 WAC
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521 or 296-155-176
Methylene chloride	WAC 296-62-07470
Methylenedianiline	WAC 296-62-076 or 296-155-173
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-841-100, filed 8/23/05, effective 1/1/06; 04-18-079, § 296-841-100, filed 8/31/04, effective 11/1/04; 03-20-115, § 296-841-100, filed 10/1/03, effective 1/1/04.]

Chapter 296-849 WAC

BENZENE

WAC

296-849-100	Scope.
296-849-11030	Exposure evaluations.
296-849-12010	Periodic exposure evaluations.
296-849-12030	Medical evaluations.
296-849-13045	Respirators.

WAC 296-849-100 Scope. This chapter applies to all occupational exposure to benzene.

Definition:

Exposure is the contact an employee has with benzene, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Exemptions:

- This chapter does not apply to any of the following:
- Liquids, vapors, mixtures in containers or pipelines, and gas in natural gas processing plants when benzene content is 0.1% or less.
 - Gasoline and other fuels containing benzene once they leave the final bulk wholesale facility and are being:
 - Transported;
 - Sold;
 - Distributed;
 - Stored;
 - Dispensed either:
 - Outdoors;
- OR

- Indoors four hours or less a day.
 - Used as a fuel.
- Oil and gas drilling, production, and servicing operations.
- Solid materials that contain only trace amounts of benzene.
- Coke ovens.

All requirements in this chapter will not apply to every workplace with an occupational exposure. The following will show you which requirements apply to your workplace.

Step 1: If any of your work tasks are listed in Table 1, follow Table 1.

• Go to Step 2a if you have additional work tasks or other exposures that are not covered in Table 1.

Table 1
Requirements that Apply to Specific Tasks

If employees do any of the following:	Then the only requirements in this chapter that apply to those tasks are:
Load and unload benzene at bulk storage facilities that use vapor control systems for all loading and unloading operations.	<ul style="list-style-type: none"> • The labeling requirement found in Preventive practices, WAC 296-849-11010.
Perform tasks around sealed transport pipelines carrying gasoline, crude oil, or other liquids containing more than 0.1% benzene.	<ul style="list-style-type: none"> • This requirement found in Training, WAC 296-849-11050: <ul style="list-style-type: none"> – Make sure training and information includes specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030. • Emergency requirements found in Medical evaluations, WAC 296-849-12030. • Requirements found in Medical records, WAC 296-849-12080. • Respirator requirements found in Respirators, WAC 296-849-13045.
Work with, or around, sealed containers of liquids containing more than 0.1% benzene.	

Step 2a: Follow requirements in the basic rules sections, WAC 296-849-11010 through 296-849-11090, for tasks **not** listed in Table 1.

- This includes completing an exposure evaluation, as specified in Exposure evaluations, WAC 296-849-11030, to:
 - Obtain employee fifteen-minute and eight-hour exposure monitoring results of airborne benzene;

AND

– Determine if employee exposure monitoring results are above, at, or below these values:

■ Eight-hour time-weighted average (TWA₈). 1 parts per million (ppm).

■ Fifteen-minute short-term exposure limit (STEL). 5 ppm.

■ Eight-hour action level (AL). 0.5 ppm.

Step 2b: Use employee exposure monitoring results from Step 2a and follow Table 2 to find out which additional sections of this chapter apply to your workplace.

Table 2
Section Application

If employee exposure monitoring results are:	Then continue to follow the basic rules, and these additional requirements:
<ul style="list-style-type: none"> • Above the TWA₈ or STEL 	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-849-12005 through 296-849-12080; AND • Exposure control areas, WAC 296-849-13005 through 296-849-13045.
<ul style="list-style-type: none"> • At or below the TWA₈ or STEL; AND • At or above AL 	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-849-12005 through 296-849-12080.
<ul style="list-style-type: none"> • Below the AL and STEL 	<ul style="list-style-type: none"> • No additional requirements apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-13-152, § 296-849-100, filed 6/21/05, effective 8/1/05; 05-01-172, § 296-849-100, filed 12/21/04, effective 3/1/05.]

WAC 296-849-11030 Exposure evaluations.

IMPORTANT:

• When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.

• Following this section will fulfill the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

You must:

• Conduct an employee exposure evaluation to accurately determine airborne concentrations of benzene by completing Steps 1 through 7 of the exposure evaluation process, each time any of the following apply:

– No evaluation has been conducted.

■ You have up to thirty days to complete an evaluation once benzene is introduced into your workplace.

– Changes have occurred in any of the following areas that may result in new or increased exposures:

■ Production.

■ Processes.

■ Exposure controls such as ventilation systems or work practices.

■ Personnel.

– You have any reason to suspect new or increased exposure may occur.

– Spills, leaks, or other releases have been cleaned up.

Note: As part of your exposure evaluation after cleanup, you will make sure exposure monitoring results have returned to prerule levels.

Exposure evaluation process.

IMPORTANT:

• If you are evaluating employee exposures during cleaning and repair of barges and tankers that contained benzene:

– Collect samples that effectively measure benzene concentrations that employees may be exposed to;

AND

– Skip to Step 7.

• Following the exposure evaluation process is not necessary when you have documentation conclusively demonstrating benzene exposures for a particular operation and material cannot exceed the action level (AL) during any conditions reasonably anticipated.

– Documentation can be based on data or qualitative information, such as information about:

■ The material.

■ How the material is handled.

■ The work conditions.

– Retain this documentation for as long as you rely on it.

Step 1: Identify all employees who have potential airborne exposure to benzene in your workplace.

Step 2: Identify operations where fifteen-minute exposures could exceed benzene's short-term exposure limit (STEL) of 5 parts per million (ppm).

• Include operations where it is reasonable to expect high, fifteen-minute exposures, such as operations where:

– Tanks are opened, filled, unloaded, or gauged.

– Containers or process equipment are opened.

– Benzene is used as a solvent for cleaning.

Note: You may use monitoring devices such as colorimetric indicator tubes or real-time monitors to screen for activities where employee exposure monitoring results could be high.

Step 3: Select employees from those working in the operations you identified in Step 2 who will have their fifteen-minute exposures measured.

Step 4: Select employees from those identified in Step 1 who will have their eight-hour exposures monitored.

• Make sure the exposures of the employees selected represent eight-hour exposures for **all** employees identified at Step 1, including each job classification, work area, and shift.

Note: A written description of the procedure used for obtaining representative employee exposure monitoring results needs to be kept as part of your exposure records required by this chapter in Exposure records, WAC 296-849-11090. This description can be created while completing Steps 3 through 6 of this exposure evaluation process.

Step 5: Determine how you will obtain employee monitoring results.

• Select and use a method that is accurate to $\pm 25\%$, with a confidence level of 95%.

Note: • Here are examples of methods that meet this accuracy requirement:
– OSHA Method 12 for air samples, found by going to <http://www.osha.gov/dts/sltc/methods/toc.html>.
– NIOSH Method 1500, found by going to <http://www.cdc.gov/niosh/homepage.html> and link to the *NIOSH Manual of Analytical Methods*.

Step 6: Obtain employee exposure monitoring results by collecting air samples representing employees identified at Step 1.

- Collect fifteen-minute samples from employees selected at Step 3.
- Sample at least one shift representative of the eight-hour exposure for each employee selected at Step 4.
- Make sure samples are collected from each selected employee's breathing zone.
- Collecting area samples is permitted after emergency releases.

- Note:**
- You may use any sampling method that meets the accuracy specified in Step 5. Examples of these methods include:
 - Real-time monitors that provide immediate exposure monitoring results.
 - Equipment that collects samples that are sent to a laboratory for analysis.
 - The following are examples of methods of monitoring representative of eight-hour exposures:
 - Collect one or more continuous samples, for example, a single eight-hour sample or four two-hour samples.
 - Take a minimum of five brief samples, such as fifteen-minute samples, during the work shift and at times selected randomly.
 - For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration.

Step 7: Have the samples you collected analyzed to obtain monitoring results representing eight-hour and fifteen-minute exposures.

- Go to the scope of this chapter, WAC 296-849-100, and compare employee exposure monitoring results to the **values** found in Step 2a and follow Step 2b to determine if additional sections of this chapter apply.

- Note:**
- You may contact your local WISHA consultant for help:
 - Interpreting data or other information.
 - Obtaining eight-hour or fifteen-minute employee exposure monitoring results.
 - To contact a WISHA consultant:
 - Go to another chapter, the Safety and health core rules, chapter 296-800 WAC, and find the resources section, and under "other resources," find service location for labor and industries.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-13-152, § 296-849-11030, filed 6/21/05, effective 8/1/05; 05-01-172, § 296-849-11030, filed 12/21/04, effective 3/1/05.]

WAC 296-849-12010 Periodic exposure evaluations.

Exemption: Periodic exposure evaluations aren't required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-849-11030, are below the action level (AL) and short-term exposure limit (STEL).

You must:

- Obtain employee exposure monitoring results as specified in Table 3, by repeating Steps 3, 4, 6, and 7 of the exposure evaluation process found within this chapter, in Exposure evaluations, WAC 296-849-11030.

- Note:**
- If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you can limit sample collection to the work shift with higher exposures and use results to represent all employees performing the operation on other shifts.

Table 3
Periodic Exposure Evaluation Frequencies

If exposure monitoring results	Then
Are between the: – AL of 0.5 ppm AND – Eight-hour time-weighted average (TWA ₈) of 1 ppm	Conduct additional exposure evaluations at least every twelve months for the employees represented by the monitoring results.
Are above the TWA ₈	Conduct additional exposure evaluations at least every six months for the employees represented by the monitoring results.
Have decreased to a concentration between the AL and TWA ₈ ; AND The decrease is demonstrated by two consecutive exposure evaluations, made at least seven days apart.	You may decrease your evaluation frequency to every twelve months for employees represented by the monitoring results.
Are above the short-term exposure limit (STEL) of 5 ppm	Repeat as often as necessary to evaluate employee exposure.
Have decreased to below the AL and the STEL AND The decrease is demonstrated by two consecutive evaluations, made at least seven days apart.	You may stop periodic exposure evaluations for employees represented by the monitoring results.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-13-152, § 296-849-12010, filed 6/21/05, effective 8/1/05; 05-01-172, § 296-849-12010, filed 12/21/04, effective 3/1/05.]

WAC 296-849-12030 Medical evaluations.

IMPORTANT:

Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

You must:

- Provide the relevant medical follow-up specified in Tables 4 and 5 to any employee exposed to benzene during an emergency.
- Make medical evaluations available to current employees who meet the following criteria:
 - Potential or actual exposure to benzene at or above the action level (AL) for at least thirty days in any twelve-month period.
 - Potential or actual exposure to benzene at or above either permissible exposure limit (PEL) for at least ten days in a twelve-month period.
 - Past exposure to concentrations above 10 ppm benzene for at least thirty days in a twelve-month period before November 11, 1988.

– Current or past work as a tire building machine operator using solvents containing more than 0.1% benzene during tire building operations.

You must:

- Make medical evaluations available at no cost to employees.
- Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours;
- Make medical evaluations available at reasonable times and places;
- Make medical evaluations available by completing Steps 1 through 6 of the medical evaluation process for each employee covered.

Note:

- Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing to monitor for health effects caused by benzene are not excluded from receiving a separate medical evaluation for a respirator use.
- If employers discourage participation in medical monitoring for health effects caused by benzene, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceeding, or testifying prohibited—Procedure—Remedy.

Helpful tool:

Declination form for nonemergency related medical evaluations.

• You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to benzene.

Medical evaluation process:

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2: Make medical evaluations available for employees identified in Step 1 at the following times:

- Initially, before the employee starts a job or task assignment where benzene exposure will occur.
- Every twelve months from the initial medical evaluation.
- Whenever the employee develops signs or symptoms commonly associated with toxic benzene exposure.
- After benzene exposure from an emergency.

Step 3: Select a licensed health care professional (LHCP) who will conduct or supervise medical evaluations and make sure:

- Individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution, if they are not licensed physicians;

AND

• Your LHCP uses an accredited laboratory, such as one accredited by a nationally or state-recognized organization, to conduct laboratory tests.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of:
 - This chapter.
 - The following information found in the General occupational health standards, chapter 296-62 WAC:

■ Appendix A, the substance safety data sheet—benzene, found in WAC 296-62-07525.

■ Appendix B, the substance technical guidelines—benzene, found in WAC 296-62-07527.

■ Appendix C, the medical surveillance guidelines for benzene, found in WAC 296-62-07529.

- A description of the duties of the employee being evaluated and how these duties relate to benzene exposure.
- The anticipated or representative exposure monitoring results for the employee being evaluated.
- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.
- Information from previous employment-related examinations when this information is not available to the examining LHCP.

• Instructions that the written opinions the LHCP provides, be **limited to** the following information:

- Specific records, findings, or diagnosis relevant to the employee's ability to work around benzene.
- The occupationally relevant results from examinations and tests.
- A statement about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to benzene.
- Any recommended limitations for benzene exposure.
- Whether or not the employee can use respirators and any recommended limitations for respirator or other PPE use.
- A statement that the employee has been informed of medical results and medical conditions caused by benzene exposure requiring further explanation or treatment.

Step 5: Provide the medical evaluation to the employee. Make sure it includes the content listed in Table 4, Content of medical evaluations, and Table 5, Medical follow-up requirements.

Step 6: Obtain the LHCP's written opinion for each employee's medical evaluation and give a copy to the employee within fifteen days of the evaluation date.

• Make sure the written opinion is limited to the information specified for written opinions in Step 4.

Note: If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

IMPORTANT:

These tables apply when conducting medical evaluations, including medical follow-up for employees exposed to benzene during emergencies.

Table 4
Content of Medical Evaluations

When conducting	Include
An initial evaluation	<ul style="list-style-type: none"> • A detailed history including: <ul style="list-style-type: none"> – Past work exposure to benzene or other hematological toxins; – Exposure to marrow toxins outside of current employment; – Exposure to ionizing radiation; – Family history of blood dyscrasias including hematological neoplasms;

When conducting	Include
	<ul style="list-style-type: none"> – History of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, and abnormal function of formed blood elements; – History of renal or liver dysfunction; – History of medications routinely taken. • A complete physical examination: – Include a pulmonary function test and specific evaluation of the cardiopulmonary system if the employee is required to use a respirator for at least thirty days a year. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin; – Erythrocyte count and indices (MCV, MCH, MCHC). • Additional tests the examining LHCP determines are necessary based on alterations in the components of the blood or other signs that may be related to benzene exposure. • Medical follow-up as required in Table 5.
Annual evaluations	<ul style="list-style-type: none"> • An updated medical history covering: <ul style="list-style-type: none"> – Any new exposure to potential marrow toxins; – Changes in medication use; – Any physical signs associated with blood disorders. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin; – Erythrocyte count and indices (MCV, MCH, MCHC).

When conducting	Include
	<ul style="list-style-type: none"> • Additional tests that the examining LHCP determines necessary, based on alterations in the components of the blood or other signs that may be related to benzene exposure. • A pulmonary function test and specific evaluation of the cardiopulmonary system every three years if the employee is required to use a respirator for at least thirty days a year. • Medical follow-up as required in Table 5.
Evaluations triggered by employee signs and symptoms commonly associated with the toxic effects of benzene exposure	<ul style="list-style-type: none"> • An additional medical examination that addresses elements the examining LHCP considers appropriate.
Evaluations triggered by employee exposure during an emergency	<ul style="list-style-type: none"> • A urinary phenol test performed on the exposed employee's urine sample within seventy-two hours of sample collection. – The urine sample must be collected at the end of the work shift associated with the emergency; – The urine specific gravity must be corrected to 1.024. • Medical follow-up as required in Table 5. <p>Reference: Employees who are not covered by medical evaluation requirements in this chapter may be covered by medical evaluation requirements in other chapters such as Emergency response, chapter 296-824 WAC.</p>

Table 5
Medical Follow-up Requirements

If	Then
<ul style="list-style-type: none"> • The complete blood count test result is normal. 	<ul style="list-style-type: none"> • No further evaluation is required.
<ul style="list-style-type: none"> • The complete blood count test shows any of the following abnormal conditions: 	<ul style="list-style-type: none"> • Repeat the complete blood count within two weeks:

If	Then
<ul style="list-style-type: none"> – A leukocyte count less than 4,000 per mm³ or an abnormal differential count; <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> – A thrombocyte (platelet) count that is either: <ul style="list-style-type: none"> ■ More than 20% below the employee's most recent values; OR ■ Outside the normal limit (95% C.I.) according to the laboratory; OR – The hematocrit or hemoglobin level is either of the following, and can not be explained by other medical reasons: <ul style="list-style-type: none"> ■ Below the normal limit (outside the 95% C.I.), as determined by the laboratory for the particular geographical area; OR ■ Persistently decreasing compared to the employee's preexposure levels. 	<ul style="list-style-type: none"> – If the abnormal condition persists, refer the employee to a hematologist or an internist for follow-up medical examination and evaluation, unless the LHCP has good reason to believe it is unnecessary; – The hematologist or internist will determine what follow-up tests are necessary; <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Follow the requirements found in Medical removal, WAC 296-849-12050.
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels less than 75 mg/L.	<ul style="list-style-type: none"> • No further evaluation is required.
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels equal or more than 75 mg/L.	<ul style="list-style-type: none"> • Provide a complete blood count monthly for three months. Include a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Thrombocyte count; – Erythrocyte count; <p style="text-align: center;">AND</p>

If	Then
	<ul style="list-style-type: none"> • If any of the abnormal conditions previously listed in this table for complete blood count results are found: <ul style="list-style-type: none"> – Provide the employee with periodic examinations, if directed by the LHCP; AND – Refer the employee to a hematologist or an internist for follow-up medical examination and evaluation unless the LHCP has good reason to believe a referral is unnecessary; AND – Follow the requirements found in Medical removal, WAC 296-849-12050; AND – The hematologist or internist will determine what follow-up tests are necessary.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-13-152, § 296-849-12030, filed 6/21/05, effective 8/1/05; 05-01-172, § 296-849-12030, filed 12/21/04, effective 3/1/05.]

WAC 296-849-13045 Respirators.

IMPORTANT:

These requirements are in addition to the requirements found in other chapters:

- Respiratory hazards, chapter 296-841 WAC;
- Respirators, chapter 296-842 WAC.

You must:

- Provide respirators and require that employees use them in circumstances where exposure is above either permissible exposure limit (PEL) for benzene, including any of the following circumstances:
 - Employees are in an exposure control area;
 - Feasible exposure controls are being put in place;
 - Where you determine that exposure controls are not feasible;
 - Feasible exposure controls do not reduce exposures to, or below, a PEL;
 - Emergencies.
- Meet these requirements to protect employees from benzene exposure above a PEL:
 - Limit selection of escape respirators to either:
 - A full-facepiece organic vapor gas mask;
 - OR**
 - A full-facepiece self-contained breathing apparatus (SCBA);
 - OR**
 - A hood-style SCBA that operates in positive-pressure mode.

- Make sure respirator cartridges or canisters are replaced at the beginning of each work shift, or sooner if their service life has expired.

- Make sure canisters on gas masks and powered air-purifying respirators (PAPRs) have a minimum service life of four hours when tested under these conditions:

- A benzene concentration of 150 ppm;
- A temperature of 25°C;
- A relative humidity of 85%;
- A flow rate of one of the following:

- 64 liters per minute (lpm) for nonpowered air-purifying respirators;

- 115 lpm for **tight-fitting** PAPRs;

- 170 lpm for **loose-fitting** PAPRs.

- Provide an employee a respirator with low breathing resistance, such as a PAPR or an air-line respirator when the:

- Employee cannot use a negative-pressure respirator;

AND

- A licensed health care professional's (LHCP's) written opinion allows this type of respirator.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-13-152, § 296-849-13045, filed 6/21/05, effective 8/1/05; 05-01-172, § 296-849-13045, filed 12/21/04, effective 3/1/05.]

Chapter 296-855 WAC

ETHYLENE OXIDE

WAC

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WAC 296-855-100 Scope. This chapter applies to **all** occupational exposure to ethylene oxide.

Definition:

- *Ethylene oxide* (EtO) is an organic chemical represented by the Chemical Abstract Service (CAS) registry number 75-21-8. It is a flammable colorless gas that is commonly used to sterilize medical equipment and as a fumigant for certain agricultural products. It is also used as an intermediary in the production of various chemicals such as ethylene glycol, automotive antifreeze, and polyethylene.

- *Exposure* is the contact an employee has with EtO, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, or skin and eye contact.

Some of the requirements in this chapter may not apply to every workplace with an occupational exposure to EtO. The following steps will show which requirements apply to

your workplace based on employee exposure monitoring results.

Step one: Follow requirements in the basic rules section, WAC 296-855-20010 through 296-855-20090.

Step two: Use employee exposure monitoring results from the exposure evaluations required by, Exposure evaluations, WAC 296-855-20050, and follow Table 1 to find out which additional sections of this chapter apply to your workplace.

Step three: You need only follow Exposure records, WAC 296-855-20070 and Medical records, WAC 296-855-30080 if you have documentation conclusively demonstrating that employee exposure for ethylene oxide and the operation where it's used, cannot exceed the AL or STEL during any conditions reasonably anticipated.

- Such documentation can be based on observations, data, calculations, and previous air monitoring results.

Table 1
Sections That Apply to Your Workplace

If:	Then continue to follow the basic rules, and the additional requirements in:
Employee exposure monitoring results are below the AL and STEL	No additional requirements if exposures remain stable
Employee exposure monitoring results are above the PELs Note: PEL refers to both the STEL and TWA	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-855-30010 through 296-855-30080; <p>AND</p> <ul style="list-style-type: none"> • Exposure control, WAC 296-855-40005 through 296-855-40045
Employee exposure monitoring results are above the AL; AND Below the STEL	Exposure and medical monitoring, WAC 296-855-30010 through 296-855-30080
When there is a possibility of an emergency release of EtO	Establish a written emergency response plan and a means of alerting potentially exposed employees as found in Exposure control plan, WAC 296-855-40005

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-100, filed 8/23/05, effective 1/1/06.]

WAC 296-855-200 Basic rules.

Summary:

Your responsibility:

To evaluate employee exposure and protect employee from ethylene oxide.

IMPORTANT:

• The requirements in basic rules apply to all employers covered by the scope of this chapter, WAC 296-855-100. Additional sections may apply to you, based on employee exposure monitoring results. Turn to the Scope, WAC 296-855-100, and follow Table 1.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-200, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20010 Preventive practices.**You must:**

• Make sure that all containers of EtO whose contents are capable of causing employee exposure above the action level or above the STEL are labeled, tagged, or marked with this warning:

Danger
Contains Ethylene Oxide
Cancer Hazard and Reproductive Hazard

AND

A warning stating that breathing airborne concentrations of EtO is hazardous.

• Keep container labels free of statements that contradict or detract from the labels' hazard warning.

Note: • EtO is highly flammable and should be kept in a tightly covered container, and in a cool, well-ventilated area away from any type of ignition source.

You must:

• Make sure warning labels remain on containers of EtO when these containers are transported.

Exemption: • Reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers and do not require labeling.
 • Labeling requirements do not apply when EtO:
 – Is used as a pesticide as defined by the Federal Insecticide, Fungicide, and Rodenticides Act (7 U.S.C. 136 et seq.);

AND

– Meets the Environmental Protection Agency labeling requirements for pesticides.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20010, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20020 Exposure control areas.**You must:**

• Establish temporary or permanent exposure control areas where airborne concentrations of ethylene oxide (EtO) exceed or could exceed the permissible exposure limits (PELs) by doing all the following:

– Clearly identify the boundaries of exposure control areas in any way that minimizes employee access.

– Post signs at access points to exposure control areas that:

■ Are easy to read (for example, they are kept clean and well lit).

AND

■ Include this warning:

DANGER
ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE
REQUIRED TO BE WORN IN THIS AREA

• Keep signs and areas near them free of statements that contradict or detract from their message.

Note: • This requirement does not prevent you from posting other signs.

You must:

• Allow only authorized personnel to enter exposure control areas.

Note: • When identifying the boundaries of exposure control areas you should consider factors such as:
 – The level and duration of airborne exposure.
 – Whether the area is permanent or temporary.
 – The number of employees in adjacent areas.
 • You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.

You must:

• Make sure employees entering exposure control areas have appropriate respirators available for use.

• Prevent all of the following activities from occurring in exposure control areas:

- Eating food.
- Drinking beverages.
- Smoking.
- Chewing tobacco or gum.
- Applying cosmetics.
- Storing food, beverages, or cosmetics.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20020, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20040 Personal protective equipment (PPE).**You must:**

• Make sure employees wear appropriate PPE as protection from skin or eye contact with ethylene oxide (EtO), liquid EtO, or EtO solutions.

• Provide appropriate PPE at no cost to employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20040, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20050 Exposure evaluations.**IMPORTANT:**

This section applies when there is a potential for airborne exposure to ethylene oxide (EtO) in your workplace.

When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.

Following this section will also meet the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

You must:

• Conduct an employee exposure evaluation to accurately determine airborne concentrations of EtO by completing Steps one through seven of the exposure evaluation process, each time any of the following apply:

- No evaluation has been conducted.
- Changes have occurred in any of the following areas that may result in new or increased employee exposures:

- Production.
- Processes.
- Personnel.

■ Exposure controls such as ventilation systems or work practices.

– You have any reason to suspect new or increased employee exposure may occur.

• Provide affected employees and their designated representatives an opportunity to observe any exposure monitoring during Step six of the exposure evaluation process.

• Make sure observers entering areas with EtO exposure:

- Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

AND

– Follow all safety and health requirements that apply.

Exposure evaluation process

Step one: Identify all employees who have potential exposure to airborne ethylene oxide (EtO) in your workplace.

Step two: Identify operations where employee exposures could exceed EtO's fifteen-minute short-term exposure limit (STEL) of five parts per million (ppm).

Step three: Select employees from those working in the operations you identified in Step two who will have their STEL exposures measured.

Step four: Select employees from those identified in Step one who will have their eight-hour exposures monitored.

• Make sure the exposures of the employees selected represent eight-hour exposures for all employees identified in Step one including each job classification, work area, and shift.

• If you expect all employee exposures to be below the action level (AL), you can choose to limit your selection to those employees reasonably believed to have the highest exposures. If you find these employees' exposure to be above the AL, then you'll need to repeat Step four to represent all employees identified in Step one.

Note: You can use Steps three through six of this process to create a written description of the procedure used for obtaining representative employee exposure monitoring results, which is a requirement in Exposure records, WAC 296-855-20070.

Exemption: • You can skip Steps four through seven if you have documentation conclusively demonstrating that employee exposure for a particular material and the operation where it's used, cannot exceed the AL or STEL during any conditions reasonably anticipated.

• Such documentation can be based on observations, data, calculations, and previous air monitoring results:

- Must meet the accuracy required by Step five.
- May be from outside sources, such as industry or labor studies.
- Must be based on data that represents conditions being evaluated in your workplace.

Step five: Determine how you will obtain accurate employee exposure monitoring results. Select and use an air monitoring method with a confidence level of ninety-five percent, that's accurate to:

• \pm twenty-five percent when concentrations are potentially above the AL or eight-hour time-weighted average of one part per million (ppm).

• \pm thirty-five percent when concentrations are potentially above the AL of 0.5 ppm or the STEL of five ppm.

Note: Here are examples of air monitoring methods that meet this accuracy requirement:

• OSHA Method thirty found by going to: <http://www.osha.gov/dts/sltc/methods/toc.html>.

• NIOSH Method thirty eight hundred found by going to: <http://www.cdc.gov/niosh/homepage.html> and linking to the NIOSH Manual of analytical methods.

Step six: Obtain employee monitoring results by collecting air samples representing employees identified in Steps three and four.

• Collect STEL samples for employees and operations selected in Step three.

• Collect samples representing the eight-hour exposure, for at least one shift, for each employee selected in Step four.

• Make sure samples are collected from each selected employee's breathing zone.

Note: • You may use any sampling method that meets the accuracy specified in Step five. Examples of these methods include:

– Real-time monitors that provide immediate exposure monitoring results.

– Equipment that collects samples that are sent to a laboratory for analysis.

• The following are examples of methods for collecting samples representative of eight-hour exposures.

– Collect one or more continuous samples, such as a single eight-hour sample or four two-hour samples.

– Take a minimum of five brief samples, such as five fifteen-minute samples, during a work shift at randomly selected times.

• For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration.

Step seven: Have the samples you collected analyzed to obtain monitoring results for eight-hour and STEL exposures.

• Determine if employee exposure monitoring results are above or below the following values:

– Eight-hour time-weighted average (TWA₈) of one ppm.

– Fifteen-minute short-term exposure limit (STEL) of five ppm.

– Eight-hour action level (AL) of 0.5 ppm.

Note: • You may contact your local WISHA consultant for help:

- Interpreting data or other information.
- Determining eight-hour or fifteen-minute employee exposure monitoring results.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20050, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20060 Notification.

You must:

• Provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after monitoring results become known to you.

• In addition, when employee exposure monitoring results are above either the TWA₈ or STEL permissible exposure limit (PEL), provide written notification of all the following within fifteen business days after the results become known to you:

– Corrective actions being taken and a schedule for completion;

AND

– Any reason why exposures can not be lowered to below the PELs.

- Note:**
- You can either notify employees individually or post the notifications in areas readily accessible to affected employees.
 - Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them.
 - Notification may be:
 - In any written form, such as hand-written or e-mail.
 - Limited to the required information, such as exposure monitoring results.
 - When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20060, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20070 Exposure records.**You must:**

• Establish and keep complete and accurate records for all exposure monitoring evaluations conducted under this chapter. Make sure the record includes, at least:

- The name, unique identifier, and job classification of:
 - The employee sampled;

AND

- All other employees represented by the sampled employee.
 - A description of the methods used to obtain exposure monitoring results and evidence of the methods' accuracy.
 - The operation being monitored for employee exposure to EtO.
 - A description of the procedure used to obtain representative employee exposure monitoring results.
 - The date, number, duration, location, and the result of each sample taken.
 - Any environmental conditions that could affect exposure concentration measurements.
 - Any personal protective equipment (PPE) worn by the employee including the type of respirator.

- Note:**
- You can use Steps three through six of the exposure evaluation process in Exposure evaluations, WAC 296-855-20050, to create a description of the procedure you used for obtaining representative employee exposure monitoring results.

You must:

• Keep exposure monitoring records for at least thirty years.

- Reference:**
- To see additional requirements for employee exposure records including access, and transfer requirements, go to another chapter, Employee medical and exposure records, chapter 296-802 WAC.
 - Exposure monitoring records need to be kept longer than thirty years for employees participating in medical monitoring, go to Medical records, WAC 296-849-12080.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20070, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20080 Documentation records.**You must:**

• Keep documentation you develop, of the processing, use, or handling of products made from or containing EtO, that conclusively demonstrates that the action level or STEL for EtO cannot be exceeded under any foreseeable conditions of use.

- Include the following in the documentation record:
 - The product that is the subject of the documentation;
 - The source of the data;
 - Any testing protocol, results of testing, and/or analysis of the product for the release of EtO;
 - A description of the operation where the product is used and how the data support your conclusion; and
 - Other data relevant to the operations, materials, processing, or employee exposures covered by your conclusion.
- Maintain the documentation record for as long as you rely on your conclusion that the action level and STEL cannot be exceeded.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20080, filed 8/23/05, effective 1/1/06.]

WAC 296-855-20090 Training.**You must:**

• Train employees who are potentially exposed above the:

- Action level (AL) 0.5 parts per million (ppm);

OR

– Fifteen-minute short-term exposure limit (STEL) of five ppm.

- Provide training:

- At the time of initial assignment;

AND

- Then at least every twelve months.

• Make sure training and information includes all of the following:

- The requirements of this chapter.
- The location and availability of this chapter.
- The purpose of medical evaluations and a description of your medical evaluation program required in Medical evaluations, WAC 296-855-30030 in this chapter.

– Monitoring procedures and observations to detect the presence or release of EtO.

- The physical and health hazards of EtO.

– Actions employees can take to protect themselves from EtO exposure such as work practices, emergency procedures, and PPE.

– The details of your hazard communication program required by another chapter, Employer chemical hazard communication, WAC 296-800-170.

– Operations in employee work areas where EtO is present.

– The following information found in the General occupational health standards, chapter 296-62 WAC:

■ The Substance safety data sheet, WAC 296-62-07383 Appendix A.

■ The Substance technical guidelines, WAC 296-62-07385 Appendix B.

■ Medical surveillance guidelines, WAC 296-62-07387 Appendix C.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-20090, filed 8/23/05, effective 1/1/06.]

WAC 296-855-300 Exposure and medical monitoring.**Summary:****Your responsibility:**

To monitor employee health and workplace exposures to ethylene oxide (EtO).

IMPORTANT:

• These sections apply when employee exposure monitoring results are either above the:

– Action level (AL) of 0.5 parts per million (ppm);

OR

– Short-term exposure limit (STEL) of five ppm.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-300, filed 8/23/05, effective 1/1/06.]

WAC 296-855-30010 Periodic exposure monitoring.

Exemption: Periodic employee exposure monitoring is not required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-855-20050, are below the action level (AL).

You must:

• Obtain employee exposure monitoring results according to the frequency specified in Table 2, Periodic Exposure Evaluation Frequencies.

Note: • If you documented that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you may limit sample collection to the work shift with higher exposures and use those results to represent all employees performing the operation on other shifts.

Table 2
Periodic Exposure Evaluation Frequencies

If employee exposure monitoring results:	Then:
Are between the: • Action level (AL) of 0.5 parts per million (ppm); AND • TWA ₈ of 1 ppm	Conduct additional exposure monitoring at least every 6 months.
Are above the TWA ₈ ; OR Above the STEL	Conduct additional exposure monitoring at least every 3 months.
Have been obtained at least every 3 months; AND Have 2 consecutive monitoring results, taken at least 7 days apart, showing 8-hour employee exposure monitoring results that have dropped below the TWA ₈ , but remain at or above the AL	You may decrease your evaluation frequency for the TWA ₈ to every 6 months.
Have 2 consecutive evaluations, taken at least 7 days apart, showing 8-hour employee exposure monitoring results that have dropped below the AL and STEL	You may stop periodic exposure evaluations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-30010, filed 8/23/05, effective 1/1/06.]

WAC 296-855-30030 Medical evaluations.

IMPORTANT:

Medical evaluations meeting all requirements of this section will fulfill the medical evaluation requirement found in another chapter, Respirators, chapter 296-842 WAC.

Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators.

You must:

• Make medical evaluations available to current employees:

– Who have been, are, or may be exposed above the action level (AL) for at least thirty days in any twelve-month period.

– Exposed to EtO during an emergency situation.

– Wanting medical advice on EtO exposure and reproductive health.

– Whenever the employee develops signs and symptoms commonly associated with ethylene oxide.

– At no cost including travel costs and wages associated with any time spent obtaining the medical evaluation.

– At reasonable times and places.

• Complete Steps one through four of the medical evaluation process at the following times:

– Initially, when employees are assigned to work in an area where exposure monitoring results are, or will likely be, above the action level (AL) for at least thirty days in a twelve-month period.

– Every twelve months for employees exposed above the AL for at least thirty days in the preceding year unless the examining physician determines that they should be provided more frequently.

– When employment with exposure ends, if the employee has not had an evaluation within the six-month period before exposure ends.

Note: • Employees who decline to receive medical examination and testing to monitor for health effects caused by EtO are not excluded from receiving a separate medical evaluation for respirator use.

• If employers discourage participation in medical monitoring for health effects caused by EtO, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing complaint, instituting proceedings, or testifying prohibited—Procedure—Remedy.

Helpful tool: Declaration form for nonemergency related medical evaluations

You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to ethylene oxide (EtO). To see this form, go to the resources section within this chapter.

Medical evaluation process

Step one: Select an appropriate licensed health care professional (LHCP) who will conduct or supervise examinations and procedures.

• If the LHCP is not a licensed physician, make sure individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

Step two: Make sure the LHCP receives all of the following information before the medical evaluation is performed:

• A copy of:

– This chapter.

– The following information found in the General occupational health standards, chapter 296-62 WAC:

■ The Substance safety data sheet, WAC 296-62-07383(1) Appendix A.

■ The Substance technical guidelines, WAC 296-62-07385(2) Appendix B.

■ Medical surveillance guidelines, WAC 296-62-07387(3) Appendix C.

• A description of the duties of the employee being evaluated and how these duties relate to EtO exposure.

• The anticipated or representative exposure monitoring results for the employee being evaluated.

• A description of the personal protective equipment (PPE) and respirators each employee being evaluated uses or will use.

• Information from previous employment-related examinations when this information is not available to the examining LHCP.

• Instructions that the written opinions the LHCP provides you be limited to the following information:

– Whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to EtO.

– Any recommended limitations for EtO exposure and use of respirators or other PPE.

– A statement that the employee has been informed of medical results and medical conditions caused by EtO exposure requiring further examination or treatment.

Step three: Make medical evaluations available to the employee. Make sure they include the content listed in Table 3, Content of Medical Evaluations.

Step four: Obtain the LHCP's written opinion for the employee's medical evaluation and make sure the employee receives a copy within five business days after you receive the written opinion.

• Make sure the written opinion is limited to the information specified for written opinions in Step two.

Note: • If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

Table 3
Content of Medical Evaluations

When conducting:	Include:
An initial and annual evaluation	<ul style="list-style-type: none"> • A work history and medical history that includes emphasis on: <ul style="list-style-type: none"> – Pulmonary, hematological, neurological, reproductive systems; AND – The eyes and skin. • A physical examination that includes emphasis on: <ul style="list-style-type: none"> – Pulmonary, hematological, neurological, and reproductive systems; AND – The skin and eyes.

Table 3
Content of Medical Evaluations

When conducting:	Include:
	<ul style="list-style-type: none"> • A complete blood count including a: <ul style="list-style-type: none"> – White cell count with differential – Red cell count – Hematocrit – Hemoglobin. • Additional examinations the licensed health care professional (LHCP) believes appropriate based on the employee's exposure to ethylene oxide (EtO) or respirator use. • Additional testing: <ul style="list-style-type: none"> – Pregnancy test, and laboratory evaluation for fertility if requested by employee and approved by evaluating LHCP.
Evaluations due to termination of employment	<ul style="list-style-type: none"> • The same content as specified for initial and annual evaluations.
Evaluations due to reassignment to an area where EtO exposure is below the AL	<ul style="list-style-type: none"> • The same content as specified for initial and annual evaluations. • As determined by the LHCP.
Evaluations due to exposure during an emergency	<ul style="list-style-type: none"> • The same content as specified for initial and annual evaluations.
Evaluations triggered by employee signs and symptoms commonly associated with overexposure to EtO or a request for reproductive advice	<ul style="list-style-type: none"> • The content of medical examinations and consultations will be determined by the examining LHCP. – Pregnancy test, and laboratory evaluation for fertility if requested by employee and approved by evaluating LHCP.
Evaluations determined necessary by LHCP for exposed employees	<ul style="list-style-type: none"> • The content of medical examinations and consultations will be determined by the examining LHCP.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-30030, filed 8/23/05, effective 1/1/06.]

WAC 296-855-30080 Medical records.

IMPORTANT:

This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to ethylene oxide (EtO).

You must:

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation for EtO and make sure the records include all the following:
 - The employee's name and unique identifier.
 - Any employee medical complaints related to EtO.

- A description of the employee's duties.
- A copy of the licensed health care professional's (LHCP's) written opinions.
- The anticipated or representative employee exposure monitoring results provided to the LHCP for the employee.
- A copy of the information required in Step two of the medical evaluation process, found in WAC 296-855-30030, except the copy of this chapter and the appendices.
- Maintain medical records for the duration of employment plus thirty years.

Note: • Your medical provider may keep these records for you. Other medical records, such as the employee's medical history or X rays, need to be kept as confidential records by the medical provider.

Reference: For additional requirements that apply to employee exposure records including access and transfer requirements, go to, Employee medical and exposure records, chapter 296-802 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-30080, filed 8/23/05, effective 1/1/06.]

WAC 296-855-400 Exposure control.

Summary:

Your responsibility:

To protect employees from exposure to ethylene oxide (EtO) by using feasible exposure controls and appropriate respirators.

IMPORTANT:

- These sections apply when employee exposure monitoring results are above either of the following permissible exposure limits (PELs):
 - The eight-hour time-weighted average (TWA₈) of one part per million (ppm);
- OR**
- The fifteen-minute short-term exposure limit (STEL) of five ppm.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-400, filed 8/23/05, effective 1/1/06.]

WAC 296-855-40010 Exposure control plan.

You must:

- Establish and implement a written exposure control plan to reduce employee exposure to EtO below both TWA₈ and the STEL by the use of feasible exposure controls. Include at least the following in your plan:
 - A schedule for periodic leak detection surveys.
 - Make sure employee rotation is not included as a method to control employee exposure.
 - Establish a written plan for emergency situations for each work area where there is a possibility of an emergency from a release of EtO. The plan must include, at a minimum:
 - Emergency escape:
 - Procedures.
 - Route assignments.
 - Emergency evacuation plans and procedures to account for all employees after emergency evacuation has been completed.
 - Procedures to be followed by employees who remain to operate critical plant operations before they evacuate.
 - Requirements for the use of respiratory protection as required in WAC 296-855-40045.

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- Rescue and medical duties for those employees who will perform them.
- The preferred means of reporting fires and other emergencies.

– Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

- Establish an employee alarm system that meets the requirements of Employee alarm systems, WAC 296-800-31070 in the safety and health core rules.

– The employee alarm system must be distinctive and recognizable as a signal to perform actions designated under the emergency response plan.

- Review your exposure control plan at least every twelve months and update as needed to reflect your current workplace conditions.

- Provide a copy of your exposure control plan to affected employees and their designated representatives, when they ask to review or copy it.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-40010, filed 8/23/05, effective 1/1/06.]

WAC 296-855-40030 Exposure controls.

IMPORTANT:

The use of an employee rotation schedule to control employee exposure to ethylene oxide (EtO) is prohibited.

Respirators and other personal protective equipment (PPE) are not exposure controls.

You must:

- Use feasible exposure controls to:
 - Reduce exposure to, or below, the permissible exposure limit (PELs);
- OR**
- To reduce exposure to the lowest achievable level above the PELs.

Reference: Go to another chapter, Respiratory hazards, chapter 296-841 WAC for additional information on employee exposure controls.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-40030, filed 8/23/05, effective 1/1/06.]

WAC 296-855-40040 Respirators.

IMPORTANT:

The requirements in this section are in addition to the requirements found in another chapter, Respirators, chapter 296-842 WAC.

Medical evaluations meeting all requirements of WAC 296-855-30030, will fulfill the medical evaluation requirement found in another chapter, Respirators, chapter 296-842 WAC.

You must:

- Provide respirators and require that employees use them in circumstances where exposure is above either PEL, such as when:
 - Feasible exposure controls are being put in place.
 - You determine that exposure controls are not feasible.
 - Feasible exposure controls do not reduce exposures to or below the PELs.
 - Employees are responding to emergencies.

- Ensure all respirator use is accompanied by eye protection either through the use of full-facepiece respirators, hoods, or chemical goggles.

- Establish a respirator program that meets the requirements of another chapter, Respirators, chapter 296-842 WAC, and include the following additional requirement:

- Limit selection of respirators to those with a full-facepiece or another type of respirator providing eye protection for EtO.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-40040, filed 8/23/05, effective 1/1/06.]

WAC 296-855-500 Definitions.

Action level:

An airborne concentration of ethylene oxide (EtO) of 0.5 parts per million, calculated as an eight-hour time-weighted average.

Authorized personnel:

Individuals specifically permitted by the employer to enter the exposure control area to perform necessary duties, or to observe employee exposure evaluations.

Breathing zone:

The space around and in front of an employee's nose and mouth, forming a hemisphere with a six- to nine-inch radius.

CAS (Chemical Abstract Service) number:

CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

Container:

Any container, except for pipes or piping systems that contains ethylene oxide. It can be any of the following:

- Barrel.
- Bottle.
- Can.
- Cylinder.
- Drum.
- Reaction vessel.
- Storage tank.

Day:

Any part of a calendar day.

Director:

The director means the director of the department of labor and industries or their designee.

Emergency:

Any event that could or does result in the unexpected significant release of ethylene oxide. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Ethylene oxide (EtO):

Is an organic chemical represented by the CAS registry number 75-21-8. EtO is a flammable colorless gas and is commonly used to sterilize medical equipment and as a fumigant for certain agricultural products. It is also used as an intermediary in the production of various chemicals such as ethylene glycol, automotive antifreeze, and polyurethane.

Exposure:

The contact an employee has with ethylene oxide, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur

through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Licensed health care professional (LHCP):

An individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

Permissible exposure limits (PELs):

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules. The PELs for ethylene oxide (EtO) are:

- Eight-hour time-weighted average (TWA₈) of one part per million (ppm);

AND

- Fifteen-minute short-term exposure limit (STEL) of five ppm.

Short term exposure limit (STEL):

An exposure limit averaged over a short time period (usually fifteen minutes) that must not be exceeded during any part of an employee's workday.

Time-weighted average (TWA₈):

An exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-168, § 296-855-500, filed 8/23/05, effective 1/1/06.]

Chapter 296-865 WAC MOTOR VEHICLES

WAC

296-865-100	Scope.
296-865-200	All motor vehicles.
296-865-20005	Motor vehicle operation.
296-865-20010	Transportation of passengers.
296-865-20015	Motor vehicle equipment.
296-865-300	Trucks and trailers.
296-865-30005	Truck operation.
296-865-30010	Dump trucks.
296-865-30015	Semitruck brakes.
296-865-30020	Truck and trailer loads.
296-865-400	Definitions.

WAC 296-865-100 Scope. This chapter applies to all motor vehicles and semitrucks used on public or private roadways.

Definition:

Motor vehicle means any vehicle, machine, tractor, trailer, or any combination of these that is driven by mechanical power and used on the roadways in the transportation of people or materials.

This section does not apply to:

- Powered industrial trucks (forklifts) covered by another chapter, Powered industrial trucks, chapter 296-863 WAC;
- Construction equipment covered by another chapter, Safety standards for construction work, chapter 296-155 WAC;
- Logging trucks covered by another chapter, Logging operations, chapter 296-54 WAC;

AND

- Agricultural equipment covered by another chapter, Safety standards for agriculture, chapter 296-307 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-100, filed 8/10/05, effective 10/1/05.]

WAC 296-865-200 All motor vehicles.**Your responsibility:**

To make sure all motor vehicle occupants are safe and equipment is safe to use.

Motor vehicle operation

WAC 296-865-20005.

Transportation of passengers

WAC 296-865-20010.

Motor vehicle equipment

WAC 296-865-20015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-200, filed 8/10/05, effective 10/1/05.]

WAC 296-865-20005 Motor vehicle operation.**You must:**

- Allow only drivers who are qualified to operate a motor vehicle.

- Allow only drivers who have a current motor vehicle operator's license to operate motor vehicles on public roadways.

- Make sure employees follow any site-specific rules and posted speed limits when operating motor vehicles on roadways privately owned and maintained.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-20005, filed 8/10/05, effective 10/1/05.]

WAC 296-865-20010 Transportation of passengers.**You must:**

- Transport all passengers safely.
- Make sure all employees use seat belts, if the vehicle is equipped with seat belts.

Exemption: This does not apply to emergency medical workers during the treatment of a patient in an ambulance.

You must:

- Make sure vehicles used to transport employees are, at all times:

- Well equipped;
- Covered against the weather;

AND

- Maintained in good mechanical condition.
- Make sure when transporting sharp tools that could present a hazard to employees in the vehicle that you provide compartments or (cargo) screens strong enough to retain the tools.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-20010, filed 8/10/05, effective 10/1/05.]

WAC 296-865-20015 Motor vehicle equipment.**You must:**

- Make sure all equipment operated on public roadways meets all of the state of Washington motor vehicle laws.
- Make sure all parts and accessories are safe to use.
- Make sure all motor vehicle equipment meets the specification or requirements in Table 1.

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Table 1
Motor Vehicle Equipment

If you have this type of equipment:	Then make sure the equipment is:
Seats	Properly secured; AND Available for every employee in the vehicle.
Tires	Safe to use.
Exhaust systems	Designed to eliminate the exposure of exhaust gases and fumes; AND Installed and maintained in proper condition.
Fire extinguishers	Provided when the vehicle is: – At least 26,000 pounds (manufacturer's gross weight); AND – Only used in the state of Washington.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-20015, filed 8/10/05, effective 10/1/05.]

WAC 296-865-300 Trucks and trailers.**Your responsibility:**

To make sure all trucks and trailers are operated and maintained safely.

Truck operation

WAC 296-865-30005.

Dump trucks

WAC 296-865-30010.

Semitruck brakes

WAC 296-865-30015.

Truck and trailer loads

WAC 296-865-30020.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-300, filed 8/10/05, effective 10/1/05.]

WAC 296-865-30005 Truck operation.**You must:**

- Make sure truck drivers operate equipment at a safe speed at all times for roadway conditions.

- Make sure truck drivers either:

- Sound their horn before starting to back and intermittently during the entire backing operation;

OR

- Have a working automatic reverse signal alarm that is audible:

- Above the surrounding noise level;

AND

- No less than fifteen feet from the rear of the vehicle.

- Make sure, during the backing of trucks where vision is obstructed, a signal person is stationed at a point giving a clear view of the rear of the truck and the operator of the truck at all times.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-30005, filed 8/10/05, effective 10/1/05.]

WAC 296-865-30010 Dump trucks.**You must:**

- Make sure dump trucks have a device installed on the frame that will hold the bed in the raised position when employees are working underneath.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-30010, filed 8/10/05, effective 10/1/05.]

WAC 296-865-30015 Semitruck brakes.**You must:**

- Make sure semitrucks are equipped with brakes that will safely hold the maximum load on maximum grades.

Note: Trailers may use air brakes or other types of brake equipment approved by the Washington state patrol.

You must:

- Test brakes before descending a steep grade.
- Follow the requirements in Table 2, Truck Braking Requirements.

Table 2
Semitruck Braking Requirements

When	You must
You park a truck on an incline	– Turn the wheels into the curb; AND – Have at least one "driver" wheel chocked on each side, independent of the braking system.
Using air brakes	Cut air into the trailer brake system at the time the trailer is attached to the truck.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-30015, filed 8/10/05, effective 10/1/05.]

WAC 296-865-30020 Truck and trailer loads.**You must:**

- Make sure all loads transported on trucks or trailers are:
 - Properly secured and distributed;

AND

- Limited to a safe operating load for the:

■ Condition of the roadway;

AND

■ Capacity of the bridges, trestles, and other structures.

Note: The commercial motor vehicles unit of the Washington state patrol determines how much weight can be carried on a vehicle by factoring manufacture limitations, number of axles, and other variables. For more information:

- See RCW 46.44.041, Maximum gross weights—Wheel-base and axle factors; or
- Contact the commercial motor vehicles unit of the Washington state patrol at Trucks@wsp.wa.gov.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-30020, filed 8/10/05, effective 10/1/05.]

WAC 296-865-400 Definitions. Motor vehicle means any vehicle, machine, tractor, trailer, or any combination of these that is driven by mechanical power and used on the roadways in the transportation of people or materials.

Semitruck means a truck and trailer combination designed and used primarily for carrying material and property.

Trailer means a nonmotorized vehicle designed to be towed by a motor vehicle.

Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-17-059, § 296-865-400, filed 8/10/05, effective 10/1/05.]

Chapter 296-876 WAC

PORTABLE LADDERS

WAC

296-876-100	Scope.
296-876-200	Design and construction—Section contents.
296-876-20005	Design and construction.
296-876-300	Ladder care—Section contents.
296-876-30005	Condition and inspection.
296-876-30010	Repair.
296-876-30015	Storage.
296-876-30020	Transport.
296-876-400	Use—Section contents.
296-876-40005	Designed use.
296-876-40010	Workplace activities or traffic.
296-876-40015	Support.
296-876-40020	Set-up.
296-876-40025	Climbing and descending.
296-876-40030	Getting on and off ladders at upper levels.
296-876-40035	Exposed electrical hazards.
296-876-40040	Persons on ladders.
296-876-40045	Multisection ladders.
296-876-40050	Self-supporting ladders.
296-876-500	Training—Section contents.
296-876-50005	Training.
296-876-600	Definitions.

WAC 296-876-100 Scope. This chapter applies to portable ladders, including job-made wooden ladders.

Exemption: This chapter does not apply to portable ladders used:

- By the fire services for fire combat that are covered by Safety standards for fire fighters, chapter 296-305 WAC;

OR

- For agriculture activities covered by Safety standards for agriculture, chapter 296-307 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-100, filed 10/4/05, effective 1/1/06.]

WAC 296-876-200 Design and construction—Section contents.

Your responsibility:

To make sure portable ladders meet design and construction requirements.

Design and construction

WAC 296-876-20005.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-200, filed 10/4/05, effective 1/1/06.]

WAC 296-876-20005 Design and construction.**IMPORTANT:**

Design and construction requirements of this section do not apply to special purpose ladders.

Definition:

A *special purpose ladder* is a portable ladder that is made by modifying or combining design or construction features of the general-purpose types of ladders in order to adapt the ladder to special or specific uses.

You must:

- Make sure portable ladders and job-made wooden ladders manufactured **on or after January 1, 2006**, meet the design and construction requirements and specifications

the appropriate American National Standards Institute (ANSI) standard:

- ANSI A14.1-2000, American National Standard for Ladders-Portable Wood-Safety Requirements.
- ANSI A14.2-2000, American National Standard for Ladders-Portable Metal-Safety Requirements.
- ANSI A14.5-2000, American National Standard for Ladders-Portable Reinforced Plastic-Safety Requirements.
- ANSI A14.4-2002, American National Standard Safety Requirements for Job-Made Wooden Ladders.
- Make sure portable ladders manufactured **before January 1, 2006**, meet the design and construction requirements and specifications of the appropriate ANSI standard in effect on the date of manufacture:
 - ANSI A14.1, American National Standard for Ladders-Portable Wood-Safety Requirements.
 - ANSI A14.2, American National Standard for Ladders-Portable Metal-Safety Requirements.
 - ANSI A14.5, American National Standard for Ladders-Portable Reinforced Plastic-Safety Requirements.

Note: A commercially manufactured portable ladder should have a label indicating it meets the requirements of the ANSI standard. If in doubt, check with the manufacturer.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-20005, filed 10/4/05, effective 1/1/06.]

WAC 296-876-300 Ladder care—Section contents.

Your responsibility:

To make sure portable ladders are inspected, maintained, stored and transported properly.

Condition and inspection

WAC 296-876-30005.

Repair

WAC 296-876-30010.

Storage

WAC 296-876-30015.

Transport

WAC 296-876-30020.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-300, filed 10/4/05, effective 1/1/06.]

WAC 296-876-30005 Condition and inspection.

You must:

- Keep portable ladders in good, usable condition. Good, usable condition includes, but is not limited to:
 - Joints between the steps or rungs and the side rails are tight.
 - Rungs, cleats, or steps are not bent, broken, or missing.
 - Side rails are not bent, broken, or split.
 - All bolts and rivets are in place and secure.
 - Hardware, fittings and accessories are securely attached and working properly.
 - Ropes are not frayed or badly worn.
 - Moveable parts operate freely without binding or excessive play.
 - Safety feet and other auxiliary equipment are not excessively worn.
 - Metal components are not corroded.
 - There are no other faulty or defective components.
- Make sure wood ladders are not coated with an opaque covering except for the minimum amount necessary for iden-

tification and warning information which may be placed on one face only of a side rail.

- Have a competent person inspect a ladder:
 - When required by Table 1, Ladder Inspection Criteria;
- AND**
- After any other occurrence that could affect safe use.
- Make sure any ladder with structural damage or other hazardous defect is:
 - Marked to identify it as defective or tagged with "do not use" or similar language;
- AND**
- Removed from service.

Note: Ladders subjected to certain acids or alkali materials may experience chemical corrosion and a reduction in strength. Consult the manufacturer or a qualified person prior to use.

Table 1
Ladder Inspection Criteria

When the ladder is:	Do the following:
First placed into service and periodically while in service	<ul style="list-style-type: none"> • Inspect the ladder for visible defects, including, but not limited to: <ul style="list-style-type: none"> – Working parts; AND – Rung or step connections to the side rails.
Damaged by impact or tips over	<ul style="list-style-type: none"> • Visually inspect the ladder for: <ul style="list-style-type: none"> – Dents, bends, cracks or splits • Check: <ul style="list-style-type: none"> – Rung or step connections to the side rails. – Hardware connections. – Rivets for shear damage. – All other components.
Exposed to excessive heat such as a fire	<ul style="list-style-type: none"> • Visually inspect the ladder for damage. • Test for deflection and strength characteristics using the "in-service use tests" contained in the appropriate ANSI. <p>Exemption: Job-made wooden ladders are not to be subjected to load or impact tests. Those tests may weaken lumber components or fasteners, causing hidden damage that could result in sudden failure during use.</p>

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-30005, filed 10/4/05, effective 1/1/06.]

WAC 296-876-30010 Repair.

You must:

- Make sure repairs restore the ladder to a condition meeting its original design criteria.
- Prohibit repairs to a defective side rail.

Note: A commercially manufactured ladder with a defective side rail cannot be repaired by the user. Side rail repair can only be done by the manufacturer.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-30010, filed 10/4/05, effective 1/1/06.]

WAC 296-876-30015 Storage.

You must:

- Make sure material is not put on ladders in storage.

Note: • Store portable ladders on racks designed to protect them when not in use. The racks should have enough supporting points to prevent the ladder from sagging.
• Do not store wood ladders near sources of heat, moisture, or dampness.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-30015, filed 10/4/05, effective 1/1/06.]

WAC 296-876-30020 Transport.

You must:

- Properly support ladders while transporting them on vehicles.

- Make sure ladders transported in a truck rack are positively secured in a fixed position that prevents chafing or abrasion.

Note: Securing the ladder to each support point will greatly reduce damage due to road shock.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-30020, filed 10/4/05, effective 1/1/06.]

WAC 296-876-400 Use—Section contents.

Your responsibility:

To use portable ladders safely.

Designed use

WAC 296-876-40005.

Workplace activities or traffic

WAC 296-876-40010.

Support

WAC 296-876-40015.

Set-up

WAC 296-876-40020.

Climbing and descending

WAC 296-876-40025.

Getting on and off ladders at upper levels

WAC 296-876-40030.

Exposed electrical hazards

WAC 296-876-40035.

Persons on ladders

WAC 296-876-40040.

Multisection ladders

WAC 296-876-40045.

Self-supporting ladders

WAC 296-876-40050.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-400, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40005 Designed use.

You must:

- Use ladders only for their intended purpose.

Note: Unless specifically recommended by the manufacturer, do not use a ladder as a:

- Brace.
- Skid.
- Lever.
- Guy or gin pole.

- Gangway.
- Platform.
- Scaffold plank.
- Material hoist.

You must:

- Make sure not to overload ladders. Do not exceed either the:

- Maximum intended load;

OR

- Manufacturer's rated capacity.

Definitions:

– The **maximum intended load** is the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a ladder or ladder component at any one time.

– **Ladder type.** The designation that identifies the maximum intended load (working load) of the ladder. Ladder types are as follows:

Duty Rating	Ladder Type	Use	Maximum Intended Load (Pounds)
Extra Heavy-Duty	IA	Industry, utilities, contractors	300
Heavy-Duty	I	Industry, utilities, contractors	250
Medium-Duty	II	Painters, offices, light maintenance	225
Light-Duty	III	General household use	200

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40005, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40010 Workplace activities or traffic.

You must:

- Protect ladders that are set-up in a location where they could be displaced by workplace activities or traffic by either:

- Securing the ladder to prevent accidental displacement;

OR

- Using a barricade to keep the activities or traffic away from the ladder.

- Protect ladders that are set-up in front of doors that open towards the ladder by doing at least one of the following:

- Block the door open.
- Lock the door.
- Guard the door to keep it from opening into the ladder.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40010, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40015 Support.

You must:

- Place the ladder either:

- With a secure footing on a firm, level support surface;

OR

- Secure the ladder to prevent accidental displacement.

- Make sure a ladder is not placed on ice, snow, or other slippery surface unless the ladder is prevented from accidental displacement by either:

- Securing it;

OR

- Providing the ladder with slip-resistant feet.

Note: Slip-resistant feet are not a substitute for care in placing, lashing, or holding a ladder that is used on a slippery surface.

You must:

- Make sure ladders are not placed on boxes, barrels, or other unstable bases to obtain additional height.

- Place a straight ladder so the side rails are equally supported by the top support, unless the ladder is equipped with a single support attachment.

- Make sure the top support of the ladder is reasonably rigid and able to support the load.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40015, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40020 Set-up.

You must:

- Set up nonself-supporting ladders at a safe angle. The ladder is set at the proper angle when the horizontal distance from the top support to the foot of the ladder is approximately one-quarter the working length of the ladder.

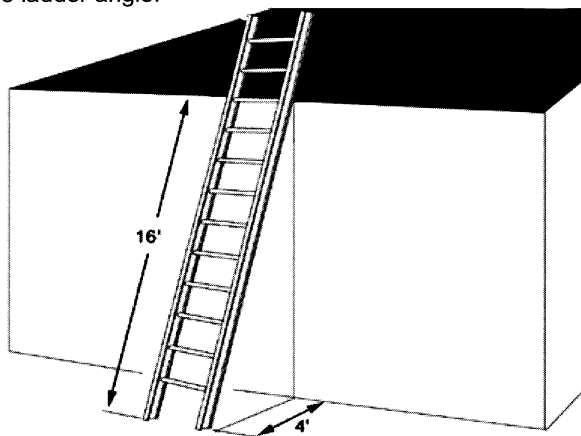
- Set up job-made ladders with spliced side rails so that the horizontal distance from the top support to the foot of the ladder is not greater than one-eighth the working length of the ladder.

Definition:

The **working length** of a nonself-supporting ladder is the length, measured along the rails, from the base support point of the ladder to the point of bearing at the top.

Safe Ladder Angle

Note:
Safe ladder angle.



[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40020, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40025 Climbing and descending.

You must:

- Have both hands free to hold on to the ladder.
- Face the ladder when climbing or descending.

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- Keep ladders free of oil, grease, or other slippery materials.

- Keep the area around the top and bottom of ladders clear.

- Make sure single-rail ladders are not used.

Definition:

A **single-rail ladder** is a portable ladder with crosspieces mounted on a single rail.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40025, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40030 Getting on and off ladders at upper levels.

You must:

- Make sure a ladder used to access an upper level has the side rails extended at least three feet (.9 m) above the landing surface if the ladder length permits.

- Do the following if a ladder used to access an upper level is not long enough to obtain a three-foot side rail extension above the landing surface:

- Secure the ladder at the top to a rigid support that will not deflect.

- Provide a grasping device, such as a grabrail, to assist in mounting and dismounting the ladder.

- Make sure the ladder deflection under a load would not, by itself, cause it to slip off its support.

- Make sure, if two or more separate ladders are used to reach an elevated work area, that the ladders are offset with a platform or landing between them.

Exemption: A platform or landing is not required when a portable ladder is used to reach a fixed ladder on structures such as utility towers and billboards where the bottom of the fixed ladder is elevated to limit access.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40030, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40035 Exposed electrical hazards.

You must:

- Use ladders with nonconductive side rails where the ladder could contact uninsulated, energized electric lines or equipment.

- Metal ladders or other ladders specifically designed to permit grounding or dissipation of static electricity may be used around high static electrical fields if all of the following are met:

- Using nonconductive ladders would present a greater hazard than using conductive ladders.

- Ladders are prominently marked and identified as being conductive.

- Ladders are grounded when used near energized lines or equipment.

Note: Examples of ladders with conductive side rails are metal ladders, and wood or reinforced plastic ladders with metal side rail reinforcement.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40035, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40040 Persons on ladders.

You must:

- Make sure a ladder is not moved, shifted, or adjusted while anyone is on it.

- Secure the ladder at the top and bottom when working from it.

- Use a safety belt with a lanyard that is secured to the ladder when doing any work that:
 - Requires the use of both hands;

AND

- Is done from a ladder more than twenty-five feet above the ground or floor.

- Prohibit work being done from a ladder more than twenty-five feet above the ground or floor if the work requires wearing eye protection or a respirator.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40040, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40045 Multisection ladders.

You must:

- Make sure not to tie or fasten ladder sections together to make longer ladders unless:

- The ladder manufacturer endorses this type of use;

AND

- You have hardware fittings specifically designed for this purpose.

- Make sure each section of a multisection ladder, when fully extended and locked in position to be used, overlaps the adjacent section as indicated in Table 2, Minimum Required Overlap for Extension Ladders.

Table 2

Minimum Required Overlap for Extension Ladders

If the ladder size (feet) is:	Minimum required overlap for a two-section ladder is (feet):
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40045, filed 10/4/05, effective 1/1/06.]

WAC 296-876-40050 Self-supporting ladders.

You must:

- Make sure self-supporting ladders are not used as single ladders or in the partially closed position.

- Make sure stepladders are fully opened with the spreaders locked.

- Make sure not to climb on the rear braces of a self-supporting ladder unless they are designed and recommended for that purpose by the manufacturer.

- Prohibit standing or stepping on the:

- Top cap and top step of a step or trestle ladder.

- Bucket or pail shelf of a self-supporting ladder.

Exemption: The restriction against using the top step is not applicable if it is eighteen inches or more below the top cap.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-40050, filed 10/4/05, effective 1/1/06.]

WAC 296-876-500 Training—Section contents.

Your responsibility:

To train employees who use portable ladders.

Training

WAC 296-876-50005.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-500, filed 10/4/05, effective 1/1/06.]

WAC 296-876-50005 Training.

You must:

- Train employees to recognize ladder hazards and the procedures to minimize these hazards.

- Have a competent person train employees that use portable ladders in at least the following topics:

- The proper construction, use, placement, and care in handling ladders.

- The maximum intended load capacities of ladders that are used.

- The requirements of this chapter.

- Retrain employees as necessary to make sure they know and understand the content of the original training.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-50005, filed 10/4/05, effective 1/1/06.]

WAC 296-876-600 Definitions.

Cleat

A ladder crosspiece used in climbing or descending. Also called a step or rung.

Extension ladder

A nonself-supporting portable ladder consisting of two or more sections. The sections travel in guides or brackets that allow the length of the ladder to be changed. The size is designated by the sum of the lengths of each section, measured along the side rails.

Failure

The ladder or ladder component loses the ability to carry the load, breaks, or separates into component parts.

Job-made ladder

A ladder that is made, not commercially manufactured, to fit a specific job situation. They are for temporary use until a particular phase of construction is completed or until permanent stairways or fixed ladders are ready to use.

Ladder

A device having steps, rungs, or cleats that can be used to climb or descend.

Ladder type

The designation that identifies the maximum intended load (working load) of the ladder. Ladder types are as follows:

Duty Rating	Ladder Type	Use	Maximum Intended Load (Pounds)
Extra Heavy-Duty	IA	Industry, utilities, contractors	300
Heavy-Duty	I	Industry, utilities, contractors	250
Medium-Duty	II	Painters, offices, light maintenance	225
Light-Duty	III	General household use	200

Maximum intended load

The total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a ladder or ladder component at any one time. Sometimes referred to as working load.

Portable ladder

A ladder that can be readily moved or carried.

Reinforced plastic

A plastic that has high-strength fillers embedded in the base resin to increase strength.

Reinforced plastic ladder

A ladder whose side rails are reinforced plastic. The crosspieces, hardware, and fasteners may be made of metal or other suitable material.

Rung

A ladder crosspiece used in climbing or descending. Also called a cleat or step.

Single ladder

A nonself-supporting portable ladder, nonadjustable in length, consisting of one section. The size is designated by the overall length of the side rail.

Single-rail ladder

A portable ladder with crosspieces mounted on a single rail. Single-rail ladders are prohibited from use.

Special-purpose ladder

A portable ladder that is made by modifying or combining design or construction features of the general-purpose types of ladders in order to adapt the ladder to special or specific uses.

Step

A ladder crosspiece used in climbing or descending. Also called a cleat or rung.

Stepladder

A self-supporting portable ladder, nonadjustable in length, with flat steps and hinged at the top. The size is designated by the overall length of the ladder measured along the front edge of the side rails.

Trestle ladder

A self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

Working length

The length of a nonself-supporting ladder, measured along the rails, from the base support point of the ladder to the point of bearing at the top.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 05-20-068, § 296-876-600, filed 10/4/05, effective 1/1/06.]

Title 308 WAC

LICENSING, DEPARTMENT OF

(Formerly: Motor Vehicles, Dept. of and Licenses, Dept. of)

Chapters**308-08****Practice and procedure.**

[2006 WAC Supp—page 1322]

308-13**Board of registration for landscape architects.****308-18****Private security guard companies and private security guards.****308-19****Bail bond agencies and bail bond agents.****308-20****Cosmetology—Barber—Manicurist—Esthetician rules.****308-30****Notaries public.****308-48****Funeral directors and embalmers.****308-56A****Certificates of title—Motor vehicles, etc.****308-63****Wreckers.****308-66****Motor vehicle dealers and manufacturers.****308-96A****Vehicle licenses.****308-104****Drivers' licenses.****308-108****Driver training schools.****308-124A****Real estate—Licensing and examination.****308-125****Real estate appraisers.****308-300****Consolidated licensing system.****Chapter 308-08 WAC****PRACTICE AND PROCEDURE****WAC**

308-08-535

Brief adjudicative proceedings conversion to formal adjudicative proceedings—Dealer and manufacturer services.

308-08-545

Brief adjudicative proceedings.

WAC 308-08-535 Brief adjudicative proceedings conversion to formal adjudicative proceedings—Dealer and manufacturer services. (1) At least five days before the scheduled issuance of either an initial or a final order, any party, including the department, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that it be converted to a formal adjudicative proceeding. Upon receiving a timely written objection, the presiding officer or reviewing officer, shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding or reviewing officer may convert any brief adjudicative proceeding to a formal adjudicative proceeding whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the agency.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding or reviewing officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding or reviewing officer deems relevant in reaching a determination.

[Statutory Authority: RCW 34.05.220. 05-21-025, § 308-08-535, filed 10/10/05, effective 11/10/05.]

WAC 308-08-545 Brief adjudicative proceedings. To what do they apply? The department of licensing, dealer and manufacturer services section, adopts the provisions of RCW 34.05.482 through 34.05.494 for the matters listed in this section. The department may use brief adjudicative proceedings (BAPs) where their use will not violate any provisions of law, and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties.

The department may use BAPs including, but not limited to, the following matters:

(1) Whether a surety bond (or insurance) has been exhausted or cancellation pursuant to RCW 46.70.070, 46.80.070, 46.55.030 or 88.02.060, or the insurance required in RCW 46.55.030;

(2) Whether the licensee has failed to maintain an established place of business pursuant to RCW 46.70.023, WAC 308-66-140, RCW 46.80.130, WAC 308-63-070, RCW 46.55.060, WAC 308-61-108, RCW 88.02.078, 46.79.030, or WAC 308-65-030;

(3) Whether a person has failed to comply with an order or to pay a previously assessed fine, pursuant to RCW 46.70.101, 46.55.200, 46.80.110, or 88.02.188;

(4) Whether a licensee has been selling, exchanging, offering, brokering, auctioning, soliciting, advertising new or current model vehicles without a service agreement with a manufacturer, pursuant to RCW 46.70.101 or 46.70.041;

(5) Whether a licensee had failed to promptly transfer title, pursuant to RCW 46.70.122, WAC 308-66-190, 308-56A-420, or 308-90-150;

(6) Whether a licensee had failed to notify the department of a fact in which the licensee is required to timely notify the department (e.g., WAC 308-66-210 or 308-61-108);

(7) Whether a licensee has failed to have a current certificate or registration with the department of revenue pursuant to RCW 46.70.101;

(8) Whether the applicant whose license was suspended for cause and the terms of the suspension have not been fulfilled pursuant to RCW 46.70.101;

(9) Whether the applicant having been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion pursuant to RCW 46.70.101 or 46.80.110 in the case of vehicle wreckers, or RCW 46.79.070 in the case of hulk haulers or scrap processors;

(10) Whether the applicant knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto pursuant to RCW 46.70.101;

(11) Whether an applicant or licensee has sufficient education credits as required by RCW 46.70.079;

(12) Whether a person is engaging in or about to engage in the business of a licensee as referenced in RCW 46.70.115, 46.80.180, or 46.55.210;

(13) Whether an applicant or licensee is solvent within the meaning of RCW 46.70.101;

(14) Whether a licensee has failed to maintain records as required by RCW 46.70.120, WAC 308-66-180, RCW 46.55.150 or 46.80.080.

The sole issue to be heard at the adjudicative proceedings shall be whether the applicant is in compliance with the requirements set forth in subsections (1) through (14) of this section.

[Statutory Authority: RCW 34.05.220. 05-21-025, § 308-08-545, filed 10/10/05, effective 11/10/05.]

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-150

Landscape architect fees and charges.

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates:

Title of Fee	Fee
Application fee	\$50.00
Reexamination administration fee	50.00
Renewal (2 years)	200.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	200.00
Reciprocity application fee	200.00
Replacement wall certificate	20.00

The following charges assessed by the Council of Landscape Architectural Registration Boards (CLARB), collected from candidates for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	\$470.00
Section C:	
Planning and site design	245.00
Section E:	
Grading, drainage and storm water management	245.00

The following sections of the examination will only be administered by CLARB:

Section A:	Legal and administrative aspects of practice
Section B:	Analytical aspects of practice
Section D:	Structural considerations and materials and methods of construction

[Statutory Authority: RCW 18.96.080 and 43.24.086. 05-17-004, § 308-13-150, filed 8/3/05, effective 9/3/05; 05-04-050, § 308-13-150, filed 1/28/05, effective 2/28/05; 04-17-026, § 308-13-150, filed 8/9/04, effective 9/9/04; 03-11-074, § 308-13-150, filed 5/20/03, effective 6/20/03; 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02. Statutory Authority: RCW 18.96.060 and 43.24.086. 01-15-034, § 308-13-150, filed 7/12/01, effective 8/12/01; 01-04-002, § 308-13-150, filed 1/25/01, effective 2/25/01; 99-23-025, § 308-13-150, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 18.96.080 and 43.24.086. 96-11-132, § 308-13-150, filed 5/22/96, effective 6/22/96; 95-20-026, § 308-13-150, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 43.24.086. 94-23-031, § 308-13-150,

filed 11/8/94, effective 12/9/94. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-150, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 43.24.086 and 18.96.080. 91-23-021, § 308-13-150, filed 11/8/91, effective 12/9/91; 90-15-039, § 308-13-150, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 43.24.086. 90-03-031, § 308-13-150, filed 1/12/90, effective 2/12/90; 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

Chapter 308-18 WAC

PRIVATE SECURITY GUARD COMPANIES AND PRIVATE SECURITY GUARDS

WAC

308-18-020	Organization.
308-18-150	Private security guard company, private security guard, and armed private security guard fees.
308-18-240	Required records.
308-18-300	Minimum preassignment training and testing requirements.
308-18-305	Minimum postassignment and on-the-job training requirements and training topics.

WAC 308-18-020 Organization. The principal location of the private security guard licensing program is at 405 Black Lake Boulevard S.W., Olympia, Washington 98504. The department of licensing administers the Washington private security guard license law, chapter 18.170 RCW. Submissions and requests for information regarding private security guard company licenses, private security guard licenses, and armed private security guard licenses may be sent in writing to the Private Security Guard Program, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-020, filed 4/14/05, effective 7/1/05. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-020, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-020, filed 11/6/91, effective 12/7/91.]

WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees. Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private security guard company/principal:	
Application/includes first examination	\$300.00
Reexamination	25.00
License renewal	300.00
Late renewal with penalty	400.00
Change of principal/includes first examination	100.00
Principal armed endorsement	10.00
Private security guard:	
Original license	82.00
Armed endorsement	10.00
Transfer fee	20.00
Unarmed license renewal with current WSP*	70.00
Unarmed license renewal without current WSP*	100.00

Title of Fee

Fee

Note: A current WSP means that a background check was completed by the security guard licensing unit within the last twelve months. You will be billed according to this status.

Unarmed license late renewal with penalty	120.00
Armed license renewal	40.00
Armed license late renewal with penalty	45.00
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00
Duplicate license	10.00

[Statutory Authority: Chapter 18.170 RCW and Federal Anti-Terrorism and Prevention Act 2004. 05-24-121, § 308-18-150, filed 12/7/05, effective 1/9/06. Statutory Authority: Chapter 18.170 RCW. 04-12-023, § 308-18-150, filed 5/26/04, effective 7/1/04. Statutory Authority: RCW 43.24.086 and chapter 18.170 RCW. 02-07-068, § 308-18-150, filed 3/18/02, effective 7/1/02. Statutory Authority: Chapter 18.170 RCW. 98-24-045, § 308-18-150, filed 11/25/98, effective 1/1/99. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-150, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170 [18.170.180](1). 93-11-025, § 308-18-150, filed 5/7/93, effective 7/1/93. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-150, filed 11/6/91, effective 12/7/91.]

WAC 308-18-240 Required records. The minimum records the principal of a private security guard company shall be required to keep are:

(1) Preassignment and postassignment training and testing records for each private security guard.

(2) Private security guard temporary registration card ledger showing the department-supplied registration number, applicant's name, date of issue, date of expiration and date card was forwarded to the director.

(3) The company principal shall maintain proof of annual shooting requirements for each armed security guard employed by the security guard company in the armed security guard's training files or employee's files.

These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-240, filed 4/14/05, effective 7/1/05; 02-24-026, § 308-18-240, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-240, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-240, filed 11/6/91, effective 12/7/91.]

WAC 308-18-300 Minimum preassignment training and testing requirements. (1) Except as provided under RCW 18.170.100 (1)(b)(ii), beginning July 1, 2005, all security guards licensed on or after July 1, 2005, must complete at least eight hours of preassignment training. Four hours of the preassignment training classroom and/or on-the-job training shall be in subjects determined by the security guard company principal developed to fit the specific type of duty required by the post. The additional four hours of the preassignment training classroom instruction shall be in the following listed subjects and shall be the contents of the preassignment exam developed by the department:

(a) Basic principles.

- (i) Basic role of the security guard;
- (ii) Washington state licensing laws;
- (iii) Observation;
- (iv) Proper actions, reactions;
- (v) Homeland security - terrorism and surveillance.

(b) Legal powers and limitations.

- (i) Citizens arrest;
- (ii) Authority to detain, question, or search a private citizen;

- (iii) Authority to search or seize private property;

- (iv) Use of force;

- (v) Avoiding liability.

(c) Emergency response.

- (i) How to define what is or is not an emergency situation;

- (ii) Response to fires;

- (iii) Response to medical emergencies;

- (iv) Response to criminal acts;

- (v) Bomb threats.

(d) Safety and accident prevention.

- (i) Hazardous materials including MSDS;

- (ii) Accident reporting.

(e) Report writing.

- Elements and characteristics of a report.

(2) All private security guard applicants, after receiving preassignment training and prior to receiving their license or temporary registration card, must successfully complete an exam designed and provided by the department to demonstrate understanding and retention of the information learned in the training course on the subjects listed in WAC 308-18-300. The exam shall consist of multiple choice questions. All applicants must answer all questions correctly on the preassignment training exam or questions incorrectly answered must be reviewed to ensure the applicant's understanding and then initialed by both the applicant and the trainer verifying knowledge of the correct answer(s).

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-300, filed 4/14/05, effective 7/1/05. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-300, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-300, filed 11/6/91, effective 12/7/91.]

WAC 308-18-305 Minimum postassignment and on-the-job training requirements and training topics. (1) Beginning July 1, 2005, all security guards must complete at least eight hours of postassignment or on-the-job training.

(a) Security guards licensed on or after July 1, 2005, are required to complete four hours of postassignment training within the first six months of employment and the remaining four hours completed within the following six months.

(b) Security guards licensed prior to July 1, 2005, are required to complete four hours of postassignment training by December 31, 2005, and the remaining four hours must be completed by July 1, 2006.

(c) Beginning January 1, 2006, the number of required postassignment training hours must be increased by one hour every year until January 1, 2012. The number of postassignment training hours required of a security guard is the number required on the date the security guard is initially licensed by the department. The additional hours of training must be

completed within eighteen months after the date a security guard is hired.

(2) The topic areas that must be used for postassignment training are as follows and may also include the subject topics listed under WAC 308-18-300:

(a) Basic role of private security guards.

- (i) Security awareness;

- (ii) Private security guards and the criminal justice system;

- (iii) Information sharing;

- (iv) Crime and loss prevention.

(b) Legal aspects of private security.

- (i) Evidence and evidence handling;

- (ii) Use of force;

- (iii) Court testimony;

- (iv) Incident scene preservation;

- (v) Equal employment opportunity (EEO) and diversity;

- (vi) State and local laws.

(c) Security officer conduct.

- (i) Ethics;

- (ii) Honesty;

- (iii) Professional image.

(d) Observation and incident reporting.

- (i) Observation techniques;

- (ii) Note taking;

- (iii) Report writing.

(e) Principles of communications.

- (i) Interpersonal skills;

- (ii) Verbal communication skills;

- (iii) Building relationships with law enforcement;

- (iv) Customer services and public relations;

- (v) Workplace violence.

(f) Principles of access control.

- (i) Enter and exit control procedures;

- (ii) Electronic security systems.

(g) Principles of safeguarding information.

- Proprietary and confidential.

(h) Emergency response procedures.

- Critical incident response (e.g., natural disasters, accidents, human caused events).

(i) Evacuation processes.**(j) Life safety awareness.**

- (i) Safety hazards in the workplace/surroundings;

- (ii) Emergency equipment placement;

- (iii) Fire prevention skills;

- (iv) Hazardous materials;

- (v) Occupational safety and health requirements (e.g., OSHA related training, bloodborne pathogens, etc.).

(k) Job assignment and postorders.

- (i) Assignments and tasks;

- (ii) Patrol.

(3) The required postassignment training records must be attested to by a licensed certified trainer and retained by the company. The postassignment training records must include the following information:

- (a) Security guard name and signature;

- (b) Training topics covered;

- (c) Number of training hours received;

- (d) Date training was completed;

- (e) Certified trainer attesting to the training.

(4) Electronic records and signatures are permitted. The postassignment training records are not required to be submitted to the department, but must be available upon request from the company for three years.

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-305, filed 4/14/05, effective 7/1/05.]

Chapter 308-19 WAC

BAIL BOND AGENCIES AND BAIL BOND AGENTS

WAC

308-19-010	Promulgation—Authority.
308-19-020	Organization.
308-19-030	Definitions.
308-19-100	Applying for a bail bond agent license.
308-19-101	Applying for a bail bond recovery agent license or endorsement to a bail bond agent license.
308-19-102	Submitting fingerprint cards to the Washington state patrol for a criminal history background check.
308-19-105	Applying for a bail bond agency license.
308-19-107	Responsibilities of the qualified agent.
308-19-110	Applying for a bail bond agency branch office license.
308-19-120	Bail bond recovery agent, bail bond agency, branch office and agent license applications—Conditions.
308-19-130	Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees.
308-19-140	Renewal and expiration of licenses and endorsements.
308-19-150	Cancellation of employment.
308-19-160	Inactive licenses.
308-19-200	Location of license documents.
308-19-210	Change of address.
308-19-220	Responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC.
308-19-230	Criminal complaint or action.
308-19-240	Bail bond agency and branch office required records.
308-19-250	Bail bond agency audits and inspections.
308-19-300	Preliminary training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants.
308-19-305	Minimum preliminary training requirements and exceptions for bail bond recovery agents.
308-19-310	Preliminary examination requirements for bail bond recovery agents.
308-19-315	Study guide for the preliminary bail bond recovery agent examination.
308-19-320	Minimum education requirements for bail bond recovery agents.
308-19-400	Brief adjudicative proceeding.
308-19-410	Records used in a brief adjudicative proceeding.
308-19-420	Conducting a brief adjudicative proceeding.
308-19-430	False or misleading advertising.
308-19-445	Contract requirements between the bail bond agent and the bail bond recovery agent.
308-19-450	Planned forced entry—Procedure requirements.
308-19-455	Bail bond recovery agent badge.
308-19-460	Firearms certification procedure through criminal justice training commission.

WAC 308-19-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by chapter 18.185 RCW, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents and bail bond recovery agents.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-010, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-010, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-010, filed 10/18/93, effective 11/18/93.]

WAC 308-19-020 Organization. The department of licensing administers the Washington bail bond license law, chapter 18.185 RCW. Submissions and requests for information regarding bail bond agency licenses and bail bond agent

and bail bond recovery agent licenses may be sent in writing to the Bail Bond Program, Business and Professions Division, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-020, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-020, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-020, filed 10/18/93, effective 11/18/93.]

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.185 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning. Also see RCW 18.185.010 for other definitions.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

(3) "Bail bond" means the contract between the defendant, the surety and/or the court to insure the appearance of the accused before the court(s) at such time as the court may direct. These bonds may require annual renewal.

(4) "Property bond agent" means a surety that posts security in the form of personal or real estate for compensation to assure the appearance of a defendant.

(5) "Surety" as it relates to bail bonds, means the depositor/owner of cash if a cash bail bond, the property owner(s) if a property bond, the insurance company if a corporate surety bond, that guarantees performance of the bail bond contract for compensation.

(6) "Principal/defendant" means the accused, for whom a bail bond may be obtained.

(7) "Exonerate" means the discharging of the bail bond by the court.

(8) "Indemnitor" means the person placing security with an agency/agent, to secure the agency against loss for the release of a defendant(s) on a bail bond.

(9) "Clients" means defendants and indemnitors.

(10) "Affidavit" means a written statement made under oath as provided in RCW 10.19.160.

(11) "Indemnity agreement" means the contract signed by the indemnitor that states the obligations the indemnitor(s) is/are assuming.

(12) "Collateral receipt" means an accurate description of the security given to an indemnitor by the receiving agency's agent, in its fiduciary capacity, listing all collateral given as security for a bail bond and held by the agency/agent until the bail bond is exonerated by the court or a forfeiture occurs. The receipt shall name the owner of the collateral, the defendant, and the bond number, and specify the terms for redemption of the collateral including any fees charged for storage.

(13) "Surrender form" means the form used to return to custody a defendant for violation of bond conditions, and the indemnitor's withdrawal from a bail bond with an affidavit in accordance with RCW 10.19.160, or a letter of forfeiture from a court in accordance to the bail contract.

(14) "Letter of forfeiture" means a notice in varied forms, sent to a bail bond agency/branch office, advising the agency/branch office that a defendant who has secured a bail bond with that agency has failed to appear on a given date in

a given court in accordance with RCW 10.19.090. The court has made a demand for the surrender of the defendant, or payment of the face amount of the bond by a given date.

(15) "Letter of demand" means any form of notice to the indemnitor/defendant that the collateral placed in trust has come under jeopardy because of a failure to appear or violation of bail.

(16) "Corporate surety bail bonds" means a bail bond contract that is guaranteed by a domestic, foreign or alien insurance company which has been qualified to transact surety insurance business in Washington state by the insurance commissioner.

(17) "Build-up fund" (also known as "BUF fund" or "escrow fund" or "trust fund") means that percentage of money obtained from collected premiums paid by the agent to the corporate surety company for the purpose of indemnifying the corporate surety from loss caused by the agent.

(18) "Endorsement" means that a bail bond agent or bail bond qualified agent licensee has met all licensing requirements for a bail bond recovery agent license and is authorized to perform the duties of both a bail bond agent and a bail bond recovery agent. Such licenses shall be issued by the department and will clearly state the dual purpose of the license.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-030, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-030, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-030, filed 10/18/93, effective 11/18/93.]

WAC 308-19-100 Applying for a bail bond agent license. After the applicant meets the requirements of RCW 18.185.020 he/she shall:

(1) Complete an application for a license on a form provided by the department of licensing.

(2) Inform the department if he/she has an insurance surety license and with what company he/she is affiliated.

(3) Pay a fee or fees as listed in WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-100, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-100, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-100, filed 10/18/93, effective 11/18/93.]

WAC 308-19-101 Applying for a bail bond recovery agent license or endorsement to a bail bond agent license. An applicant for a bail bond recovery agent license endorsement must first meet the requirements stated in the bail bond agents law, RCW 18.185.020, and be in good standing with the department. The following materials must be submitted by all applicants for a bail bond recovery agent license or endorsement:

(1) A bail bond recovery agent license or endorsement application completed in full;

(2) Proof that the applicant directly submitted the completed fingerprint card and fees to the Washington state patrol;

(3) A copy of high school diploma or GED or proof of three years experience in the bail industry;

(4) If applicant is retired or separated from a local or state police department, or a branch of the armed forces trained to carry out the duties of a peace officer within the last six years, submit proof to the department describing length of service, duties and date of retirement or separation or;

if applicant is not retired or separated from a local or state police department, or a branch of the armed forces trained to carry out the duties of a peace officer within the last six years, the applicant must submit a certificate or transcript showing the applicant has completed a course consisting of not less than four hours of study which includes the following:

(a) Civil and criminal law;

(i) State statutes relating to bail regulations;

(ii) Constitutional law;

(iii) Procedures for exoneration and surrendering defendants into custody;

(iv) Civil liability;

(v) Civil rights of persons who are detained in custody.

The knowledge in law may be accomplished through self-study. Self-study applicants must submit a written statement attesting to their knowledge in the subjects as stated in this section.

(b) Procedures for field operations, including, but not limited to:

(i) Use of force and degrees of force;

(ii) Safety techniques;

(iii) Entering and searching buildings;

(iv) Custody and transportation of prisoners including persons who are mentally ill or under the influence of alcohol or drugs;

(v) Defensive tactics;

(vi) Power of arrest;

(vii) Contracts;

(viii) Powers of a bail bond recovery agent;

(c) The basic principles of identifying and locating defendants. Public records and confidentially; surveillance.

(5) Proof of firearm training shall be submitted by applicants who intend to carry a firearm while engaging in the business of a bail bond recovery agent, or while traveling to or from such business. Such proof may be established by submission of a firearm certification issued by the criminal justice training commission.

(6) Proof of training certification in the following tools: Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units.

(7) Return completed applications to:

Department of Licensing
Bail Bond Program
P.O. Box 9048
Olympia, WA 98507-9048

(8) Pay a fee or fees as listed in WAC 308-19-130.

(9) After the department receives the completed application and fees, a notification regarding examination dates and times will be mailed to the address of the applicant by the department.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-101, filed 3/30/05, effective 4/30/05.]

WAC 308-19-102 Submitting fingerprint cards to the Washington state patrol for a criminal history background check. Every applicant for a bail bond recovery agent license or endorsement shall have a fingerprint criminal history background check conducted.

(1) The department shall provide fingerprint cards to all applicants.

(2) Applicants shall be fingerprinted by a law enforcement agency on a fingerprint card provided by the department and pay any fees required by the law enforcement agency providing the fingerprinting service.

(3) Applicants shall submit the completed fingerprint card to the Washington state patrol with the appropriate fees charged under WAC 446-20-600, Fees. Checks or money orders made payable to the Washington state patrol, identification and criminal history section, shall be mailed with the fingerprint card to P.O. Box 42633, Olympia, Washington 98504-2633.

(4) Results of the background checks will be sent directly to the department.

(5) If the fingerprint card is rejected by Washington state patrol or the Federal Bureau of Investigation, the applicant will be notified by the department that the applicant must be reprinted and resubmit the fingerprint card to the Washington state patrol with the rejected cards and the attached reject slip.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-102, filed 3/30/05, effective 4/30/05.]

WAC 308-19-105 Applying for a bail bond agency license. To qualify for a bail bond agency license the applicant shall:

Complete the requirements of the bail bond agent license and;

(1) Submit to the department proof of work experience as required under RCW 18.185.030 (1)(b).

(a) Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting.

(b) Applicants who do not have the required work experience shall train and pass an examination as stated under Part D, WAC 308-19-300.

(2) Complete an application for an agency license on a form provided by the department of licensing.

(3) Pay a fee or fees as required by WAC 308-19-130.

(4) Obtain a bond for the main office as required by RCW 18.185.070.

(5) The applicant shall disclose the surety(s) name, address, the attorney in fact, and whose name the build-up fund is in.

If the applicant changes their corporate surety, the applicant shall immediately advise the department.

(6) If the applicant provides security in the form of real property, the applicant shall advise the department of the names of the court(s) that have given approval for the placing of property bonds.

(7) Sole proprietorships shall act as the qualified agent of the agency without the payment of additional license fees.

(8) Partnerships or limited partnership applicants shall each apply, qualify and furnish their addresses to the director.

When a license is issued to a partnership, the principal partner shall act as the qualified agent of the agency without the payment of additional license fees.

(9) Applicants representing a corporation shall furnish a copy of the articles of incorporation, and a list of officers and departments and their addresses to the director.

When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional license fees.

(10) If the applicant represents a foreign corporation, he/she shall furnish a copy of its articles of incorporation, and a list of its officers and departments and their addresses to the department.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-105, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-105, filed 12/13/99, effective 1/13/00.]

WAC 308-19-107 Responsibilities of the qualified agent. The qualified agent shall be responsible for all transactions, recordkeeping, and the employees of each office he or she is licensed as the qualified agent.

Under 18.185.010(5), a qualified agent is "an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license." The qualified agent essentially serves as "manager" of the bail bond agency, and is responsible for all bail bond transactions conducted by the bail bond agents employed by the agency. See RCW 18.185.100 (qualified agent shall keep required records and ensure safekeeping of collateral or security); RCW 18.185.220 (every branch office must have a qualified agent serving as manager);

Each branch office must be managed by a qualified agent. A qualified agent may serve as a qualified agent of multiple offices. Although the qualified agent remains ultimately responsible for bail bond transactions, a qualified agent is permitted to delegate managerial functions to licensed bail bond agents. However, a qualified agent may not delegate managerial or supervisory functions to unlicensed staff because such functions necessarily involve participation in the sale or issuance of bail bonds.

Allowing unlicensed staff to participate in the sale or issuance of bail bonds could lead to charges of aiding or abetting unlicensed activity in violation of RCW 18.185.110(10) and 18.235.130(9).

Any agency going out of business in the state of Washington shall continue to be obligated on all outstanding bonds until the director receives notification from the jurisdiction in which the agency/branch offices are located that all bonds have been exonerated and the department of licensing has received no complaints from indemnitor about the return of collateral. The director may require an audit of the closing agency at any time upon notification of the closing of the agency.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-107, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-107, filed 12/13/99, effective 1/13/00.]

WAC 308-19-110 Applying for a bail bond agency branch office license. A licensed bail bond agency may establish a branch office by meeting the following requirements.

(1) Each branch office shall have a licensed qualified agent.

(2) Complete an application form provided by the department of licensing.

(3) Pay the fee or fees as required under WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-110, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-110, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-110, filed 10/18/93, effective 11/18/93.]

WAC 308-19-120 Bail bond recovery agent, bail bond agency, branch office and agent license applications—Conditions. Any person desiring to obtain a bail bond recovery agent, bail bond agency, bail bond branch office or bail bond agent license shall make application on a form prescribed by the director and pay a fee as prescribed by WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-120, filed 3/30/05, effective 4/30/05. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-120, filed 10/18/93, effective 11/18/93.]

WAC 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$1,000.00
License renewal	800.00
Late renewal with penalty	1,000.00
Bail bond agent:	
Original license	400.00
License renewal	250.00
Late renewal with penalty	350.00
Change of qualified agent	200.00
Original endorsement to the bail bond agent	50.00
license	
Endorsement renewal	65.00
Endorsement renewal with penalty	100.00
Bail bond recovery agent license:	
Original license	300.00
License renewal	350.00
Late renewal with penalty	450.00
Examinations:	
Reexamination fee	25.00

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-130, filed 3/30/05, effective 4/30/05. Statutory Authority: RCW 43.24.086 and chapter 18.185 RCW. 02-07-067, § 308-19-130, filed 3/18/02, effective 7/1/02. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-130, filed 10/18/93, effective 11/18/93.]

WAC 308-19-140 Renewal and expiration of licenses and endorsements. (1) Licenses and endorsements issued to bail bond agents, bail bond agencies, branch offices, or bail bond recovery agents expire one year from the date of issue.

(2) Licenses and endorsements must be renewed each year on or before the date of expiration and a renewal fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license or endorsement renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license or endorsement shall be canceled if an application for a renewal of that license or endorsement is not received by the director within one year from the date of expiration. A person may obtain a new license or endorsement by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No bail bond agent, or bail bond agency shall engage in the sale or issuance of bail bonds if their license has expired. No bail bond recovery agent shall perform the duties of a bail bond recovery agent if his/her license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-140, filed 3/30/05, effective 4/30/05; 04-01-021, § 308-19-140, filed 12/8/03, effective 1/12/04; 00-01-061, § 308-19-140, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-140, filed 10/18/93, effective 11/18/93.]

WAC 308-19-150 Cancellation of employment. (1) A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency.

(2) Either the agency or agent may cancel this relationship. The agency's qualified agent must send a written notice of the cancellation to the department of licensing immediately and include the agent's license held by the agency. Notice of cancellation shall be provided by signature of the agency's qualified agent on the surrendered license. The cancellation date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department explaining why the license has been lost and for how long the license has not been on display.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-150, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-150, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-150, filed 10/18/93, effective 11/18/93.]

WAC 308-19-160 Inactive licenses. (1) Any license issued under chapter 18.185 RCW, and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with chapter 18.185 RCW.

(3) An inactive license may not be renewed. The inactive license will be canceled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any examination and education requirements.

(4) The provisions of chapter 18.185 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive

license have been initiated, the license shall remain inactive until the proceedings have been completed.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-160, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-160, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-160, filed 10/18/93, effective 11/18/93.]

WAC 308-19-200 Location of license documents.

Licenses and endorsements of all bail bond agency and bail bond agents shall be kept in the office located at the address appearing on the license.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-200, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-200, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-200, filed 10/18/93, effective 11/18/93.]

WAC 308-19-210 Change of address. The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved or provided by the department.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-210, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-210, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-210, filed 10/18/93, effective 11/18/93.]

WAC 308-19-220 Responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.185 RCW.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-220, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-220, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-220, filed 10/18/93, effective 11/18/93.]

WAC 308-19-230 Criminal complaint or action.

Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the bail bond program, business and professions division, department of licensing of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-230, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-230, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-230, filed 10/18/93, effective 11/18/93.]

WAC 308-19-240 Bail bond agency and branch office required records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.185 RCW, or in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make false or misleading entry, or willfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall willfully fail to produce any such record or document for inspection by the department.

(4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:

- (a) Bank trust account records;
- (b) Duplicate receipt book or receipt journal;
- (c) Prenumbered checks;
- (d) Check register or cash disbursement journal;
- (e) Validated bank deposit slips;
- (f) Reconciled bank monthly statement (client liability vs bank statement);
- (g) All canceled checks;
- (h) All voided checks;
- (i) "Client information" which includes defendant's name, application, dates of transactions, amount received, amount disbursed, current balance, check number, item(s) covered, indemnitor's agreement, and indemnity agreements, premium receipts, collateral receipt(s), letter(s) of forfeiture or surrender form(s), letter(s) of demand and affidavit(s), if surrendered before a forfeiture has occurred, and any written information or communication that may have influence on the bail bond or collateral placed for the bail bond;

(j) A transaction folder or file containing a copy of all agreements, invoices, billings, and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions;

(l) Records of training and/or continuing education for each bail bond agents employed in that agency;

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (v) name of the court (vi) date of exoneration of the bond.

(5) The above records shall be maintained for a minimum period of three years.

(6) All funds and monetary instruments received by the agency from customers or clients in business transactions shall be deposited into the trust account within three working days of receipt.

(7) All money spent on behalf of a client must be deposited in and disbursed from the agent's collateral trust account, including advances, loans or money from the agency's business account to the collateral trust account to pay expenses.

(8) The bail bond agent must secure an invoice or billing from any party who provides a service on behalf of the defendant and must include the cost for the service, a description of the service provided, and the service provider's name, address, telephone number, and UBI number (Uniform Business Identifier).

(9) Bail bond agents must secure an affidavit from any party who purchases or takes possession of collateral being liquidated. The affidavit must state the name, address and telephone number of the party(ies) acquiring the property along with a complete description of the property, serial number or other unique identifying number, and the dollar value of the collateral being liquidated with an explanation of how the dollar value was estimated.

(10) If the bail bond agent or agency provides other services to the indemnitor or client, the firm must provide full disclosure in writing of the agent's relationship with any persons providing such services, and prior disclosure of fees

charged. The written disclosure must be maintained in the client's transaction file for a minimum period of three years. For purposes of this section, "other services" shall mean services unrelated to the issuance and posting of bail.

(11) The bail bond agent must provide each indemnitor or client a receipt for all personal property. The bail bond agent shall keep a duplicate of all receipts. The receipt will include:

- (a) Date of receipt;
- (b) Complete description of the property to include serial numbers or other unique identifying numbers;
- (c) Signature of the bail bond agent; and
- (d) A file or case number the receipt relates to.

(12) The bail bond agent shall maintain an individual ledger card to post all bank charges of any nature, including credit card charges. Accrued interest shall be posted to the individual ledger card. If bank charges exceed the interest earned, causing the trust account to be lower than client liability, the bail bond agent shall immediately deposit funds into the trust account to bring the trust account into balance. For purposes of this subsection, "immediately" shall mean within one banking day after the bail bond agent receives notice that the trust account is lower than client liability. All interest accruing on the trust bank account must be withdrawn at least once monthly.

(13) Contracts as described in RCW 18.185.270(2) between the bail bond agent and the bail bond recovery agent.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-240, filed 3/30/05, effective 4/30/05. Statutory Authority: RCW 43.24.086 and chapter 18.185 RCW. 02-07-067, § 308-19-240, filed 3/18/02, effective 7/1/02. Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-240, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-240, filed 10/18/93, effective 11/18/93.]

WAC 308-19-250 Bail bond agency audits and inspections. All records required to be maintained by a qualified agent of a bail bond agency by chapter 18.185 RCW, or these rules, together with any other business or other types of records of a licensee which may be related to the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department of licensing, for the purposes of determining compliance or noncompliance with the provisions of chapter 18.185 RCW, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in subsection (1) of this

section, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-250, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-250, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-250, filed 10/18/93, effective 11/18/93.]

WAC 308-19-300 Prelicense training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants. (1) The training and examination requirements for bail bond agent license applicants under RCW 18.185.060, shall include, at a minimum:

- (a) Four hours of training in the following subjects:
 - (i) Bail bond licensing laws;
 - (ii) Court procedures relating to bail bonds;
 - (iii) Criminal procedure, Title 10 RCW;
 - (iv) Contracts and bail bond agreements;
 - (v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property;
 - (vi) Care and storage of personal property;
 - (vii) Forfeiture of collateral, judgements and collection;
 - (viii) Washington Insurance Code, Title 48 RCW;
 - (ix) Laws relating to notary publics, chapter 42.44 RCW;
 - (x) Contact with clients, courts and law enforcement;
 - (xi) Sexual harassment.

(b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under RCW 18.185.030 (1)(a), shall include, as a minimum:

(a) All of the subjects as listed in subsection (1)(a) of this section; and

- (b) At a minimum, the following subjects:
 - (i) Recordkeeping and filing;
 - (ii) Business licensing, taxation and related reporting and recordkeeping requirements.

(iii) Personnel management;

(iv) Laws relating to employment;

(v) The Americans with Disabilities Act;

(3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in subsection (2)(a) and (b) of this section. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of fourteen days before reexamination.

(4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

(5) Every bail bond agent shall present to the director a letter stating training they have received while working as a trainee for an agency, including the name of the principal instructor before the director issues the person a bail bond license. This letter shall be signed by the qualified agent and shall also include a statement that the qualified agent is aware that they are taking responsibility for the agent.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-300, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-300, filed 12/13/99, effective 1/13/00.]

tive 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-300, filed 10/18/93, effective 11/18/93.]

WAC 308-19-305 Minimum prelicense training requirements and exceptions for bail bond recovery agents. (1) Applicants for a license or an endorsement as a bail bond recovery agent must complete not less than four hours of a course of self-study, training and/or certification in the following subjects, except as otherwise provided in this section.

(a) Prelicense training in civil or criminal law can be achieved through public or private instruction or self-study and must include the following training topics:

- (i) State statutes relating to bail regulations;
- (ii) Constitutional law;
- (iii) Procedures for surrendering defendants into custody;

- (iv) Procedures for exoneration;
- (v) Civil liability;
- (vi) Civil rights of persons who are detained in custody;
- (vii) Basic principles of identifying and locating defendants to include public records and confidentially, and surveillance;

(viii) Contracts;

(ix) Powers of a bail bond recovery agent;

(b) Prelicense training in procedures for field operations can be achieved through public or private instruction and must include the following training and certifications:

(i) Training in use of force and degrees of force, including verbal, Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units.

(ii) Certification in the following defensive tools, Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units within twelve months of applying for a license or endorsement;

(iii) Safety techniques;

(iv) Entering and searching buildings;

(v) The custody and transportation of prisoners including persons who are violent, emotionally disturbed or under the influence of alcohol, or drugs;

(vi) Defensive tactics;

(vii) Application of restraints/handcuffing procedures;

(viii) All applicants shall obtain firearm training from an approved trainer, or applicants intending to carry a firearm as a bail bond recovery agent shall obtain and keep current firearm certification from the criminal justice training commission.

(2) In place of completing the prelicense training in procedures for field operations established in subsection (1) of this section required under RCW 18.185.260, an applicant may submit proof to the department that he/she has completed a course of training required by a municipal, state or federal law enforcement agency or a branch of the armed forces to carry out the duties of a peace officer within the past six years.

(3) Applicants may submit proof of previously meeting prelicense training requirements in procedures for field operations in subsection (1) of this section between May 1, 2005, and July 1, 2005. The purpose of this rule is to allow appli-

cants advance notice whether or not the applicant will be required to take additional training before the license requirements are in effect on January 1, 2006. The proof must be submitted in writing and include: The applicant's name, address and telephone number, the name, address, and telephone number of the training facility attended, a copy of the training curriculum which the applicant received training in, including the number of hours devoted to each topic, and documentation of certification of training accomplishments related to the training requirements set forth in subsection (1) of this section. The department will issue written notification to the applicant, stating acceptance of the prelicense training received, or a written notification and explanation for the department's denial of the prelicense training received.

(4) The training the applicant receives should prepare the applicant to achieve a passing score on the written examination administered under chapter 18.185 RCW.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-305, filed 3/30/05, effective 4/30/05.]

WAC 308-19-310 Prelicense examination requirements for bail bond recovery agents. Each applicant for a bail bond recovery agent license or endorsement shall pass an examination demonstrating their knowledge and proficiency in all of the training requirements set forth in WAC 308-19-305. The examination shall consist of fifty questions. Applicants shall correctly answer thirty-five examination questions to pass the examination. Applicants who fail to achieve a passing score will be required to wait a minimum of seven days before reexamination and pay the required reexamination fee.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-310, filed 3/30/05, effective 4/30/05.]

WAC 308-19-315 Study guide for the prelicense bail bond recovery agent examination. All of the information listed below can be found on the internet. Public libraries offer free access to the use of the internet. Applicants may also access this study guide on the department's internet website and will link directly to the study resource material.

(1) Chapter 18.185 RCW.

(2) Chapter 9.73 RCW Privacy.

(3) Chapter 42.17 RCW (sections 250 through 348) Public disclosure.

(4) Title 9A RCW (chapters 04, 08, 16, 36, 40, 42, 46, 50, 52, 56, 60, 68, 72, 76, 82) Washington state criminal code.

(5) Chapter 10.19 RCW Appearance bonds.

(6) Chapter 10.88 RCW Uniform Criminal Extradition Act.

(7) Chapter 9.41 RCW Firearms and dangerous weapons.

(8) Federal Privacy Act (5 U.S.C. 552A).

(9) Freedom of Information Act (5 U.S.C. 552).

(10) Fair Credit Reporting Act (15 U.S.C. 1681).

(11) Federal Wiretapping Act (18 U.S.C.).

(12) Gramm-Leach-Bliley Act.

(13) Title 28 of the U.S. Code.

(14) Chapter 35.20 RCW Municipal courts.

(15) Title 2 RCW Courts of records.

(16) Title 3 RCW District courts/courts of limited jurisdictions.

(17) Title 4 RCW Civil procedures.

(18) Taylor vs. Taintor.

(19) Washington criminal justice training commission use of force continuum.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-315, filed 3/30/05, effective 4/30/05.]

WAC 308-19-320 Minimum education requirements for bail bond recovery agents. All applicants for a bail bond recovery agent license or endorsement shall have a minimum of a high school education or GED or a minimum of three years of full-time, verifiable experience in the bail bond industry.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-320, filed 3/30/05, effective 4/30/05.]

WAC 308-19-400 Brief adjudicative proceeding. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond recovery agent, bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-400, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-400, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-400, filed 5/1/97, effective 6/1/97.]

WAC 308-19-410 Records used in a brief adjudicative proceeding. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-410, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-410, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-410, filed 5/1/97, effective 6/1/97.]

WAC 308-19-420 Conducting a brief adjudicative proceeding. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision, which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-420, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-420, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-420, filed 5/1/97, effective 6/1/97.]

WAC 308-19-430 False or misleading advertising. (1) Every advertisement by a licensee that solicits or advertises business shall contain the name of the business exactly as

stated on the bail bond agency license, and the physical address of the business as stated on the bail bond agency license, and the bail bond agency license number. A licensed bail bond agency may advertise under a registered trade name of the licensee provided that the registered trade name is stated exactly as documented with the state of Washington master license service. Licensees under this chapter must notify the department in writing, of any registered trade names intended for use in future advertising.

(2) Telephone book directory listings that are for the purpose of providing the business name, address, and telephone number only, are not required to include the license number.

(3) The department has authority to discipline bail bond agents for advertising that is false, fraudulent or misleading, RCW 18.185.110(5) and 18.235.130(3).

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-430, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-430, filed 12/13/99, effective 1/13/00.]

WAC 308-19-445 Contract requirements between the bail bond agent and the bail bond recovery agent. The purpose of the contract as required in RCW 18.185.270 is to provide information to the public and law enforcement officers to clarify authority and to identify the parties involved during the act of locating and apprehending a fugitive. The contract is to administrate the transfer of information regarding the identity of the fugitive.

(1) There shall be an individual contract on a form provided by the department between the bail bond agent and the bail bond recovery agent for each fugitive.

(2) A bail bond agent shall provide a bail bond recovery agent a copy of each individual contract on a form provided by the department.

(3) The contract form provided by the department shall not prevent a bail bond agent or a bail bond recovery agent from having additional contracts or agreements for conducting the course of their business transaction.

(4) The bail bond agent shall provide to the bail bond recovery agent a photograph of the fugitive if one is available.

(5) The original signed contract shall be kept by the bail bond agency for at least three years and be made available upon request by the department.

(6) Facsimile signatures shall be as effective as if originals.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-445, filed 3/30/05, effective 4/30/05.]

WAC 308-19-450 Planned forced entry—Procedure requirements. When the apprehension of a fugitive defendant meets the definition of RCW 18.185.010(12) Planned forced entry, the bail bond recovery agent shall follow the procedure requirements in RCW 18.185.300.

In addition to the minimum notification requirements of RCW 18.185.300, the notification to law enforcement must provide any prior known risk factors of which the bail bond recovery agent is aware including knowledge regarding any warrants.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-450, filed 3/30/05, effective 4/30/05.]

[2006 WAC Supp—page 1334]

WAC 308-19-455 Bail bond recovery agent badge.

The approved badge for bail bond recovery agents is a round gold star burst with a round blue ribbon with gold letters stating bail bond recovery agent. The center of the badge displays a picture of the liberty bell and lady justice. If the license number is attached beneath the badge, the department issued license number shall be used.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-455, filed 3/30/05, effective 4/30/05.]

WAC 308-19-460 Firearms certification procedure through criminal justice training commission. Individuals licensed as a bail bond recovery agent who carry a firearm while performing the duties of a bail bond recovery agent shall be required to successfully complete a prescribed course of instruction from a certified instructor of the Washington State Criminal Justice Training Commission located at 19010 1st Avenue South, Burien, Washington 98140 - Telephone: 206-835-7300.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-460, filed 3/30/05, effective 4/30/05.]

Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN RULES

WAC

308-20-010	Definitions.
308-20-101	Apprentice credit for training in an approved apprentice salon/shop.
308-20-115	Reciprocity—Persons licensed in other jurisdictions.
308-20-120	Written and performance examinations.
308-20-123	Examination appeal.
308-20-210	Fees.

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the advisory committee that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received Journey Level training and have

held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Completion of the apprenticeship program" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080.

(7) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

[Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 05-17-020, § 308-20-010, filed 8/4/05, effective 9/4/05; 04-05-005, § 308-20-010, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-010, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2), 02-04-012, § 308-20-010, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-010, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop. (1) A minimum of one trainer per apprentice is required.

(2) Only those hours of theory instruction given under the direction of an instructor licensed under chapter 18.16 RCW shall be credited towards completion of the apprentice curriculum requirements for theory hours. Cosmetologist, barber, manicurist and esthetician theory hours must be taught in a classroom setting under the direct supervision of an instructor licensed in the curriculum for which he or she is providing theory instruction.

(3) With the exception of theory hours, only those hours of instruction an apprentice is given under the direction of an apprentice trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the committee approves the transfer.

(6) Apprentice trainers and instructors must be physically present where apprentices are training.

[Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 05-17-020, § 308-20-101, filed 8/4/05, effective 9/4/05; 04-05-005, § 308-20-101, filed 2/6/04, effective 3/8/04.]

WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions. The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;

(3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction;

(4) Provides proof that he or she has passed the director approved examinations with the minimum passing score approved by the director.

[Statutory Authority: RCW 18.16.030 and 43.24.086, 06-02-048, § 308-20-115, filed 12/29/05, effective 2/1/06.]

WAC 308-20-120 Written and performance examinations. (1) The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The director adopts the National-Interstate Council of State Boards of Cosmetology (NIC) examinations as the approved written and performance examinations required for applicants.

(3) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice.

(4) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques.

(5) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(6) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

[Statutory Authority: RCW 18.16.030 and 43.24.086, 06-02-048, § 308-20-120, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-120, filed 6/24/03, effective 7/25/03; 03-08-043, § 308-20-120, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 18.16.030(2), 02-04-012, § 308-20-120, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-120, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-123 Examination appeal. (1) An applicant who has received a failing score on the written or practical examination shall be eligible to appeal to the department for a review of the examination results. The department shall only consider appeals regarding significant procedural errors or adverse environmental conditions during the test administration.

(2) The appeal shall be filed with the department within fifteen days after the date of notification of examination results. The appeal shall be made in writing, and shall state the reason for appeal.

(3) The review of the appeal shall be conducted by one or more department staff, or the department's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. The director or director's designee shall make the final determination on the appeal.

(4) Within thirty days after the department has made a determination on the appeal, the applicant shall be notified in writing of the results.

(5) In acting on appeals, the department may take such action as it deems appropriate.

[Statutory Authority: RCW 18.16.030, 43.24.023, 05-04-012, § 308-20-123, filed 1/24/05, effective 2/24/05.]

WAC 308-20-210 Fees. In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Reciprocity license	\$40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Instructor:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Manicurist:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Esthetician:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Barber:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
School:	
License application	175.00
Renewal (one-year license)	175.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile unit:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00

[Statutory Authority: RCW 18.16.030 and 43.24.086. 06-02-048, § 308-20-210, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-210, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.086. 03-06-054, § 308-20-210, filed 2/28/03, effective 4/1/03. Statutory Authority: RCW 18.16.030,

43.24.086, and 43.135.055. 02-09-040, § 308-20-210, filed 4/12/02, effective 1/1/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-210, filed 7/17/92, effective 8/17/92. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-210, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-210, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

Chapter 308-30 WAC

NOTARIES PUBLIC

WAC

308-30-100 Fees.

WAC 308-30-100 Fees. The following fees shall be charged by the director of the department of licensing:

Title of Fee	Fee
Application for notary appointment	\$30.00
Renewal of notary appointment	30.00
Duplicate certificate of appointment (including change of name)	15.00
Evidence of verification of notarial commission	15.00
Apostille	15.00

[Statutory Authority: RCW 42.44.190, 43.35.055, 43.24.086, WAC 308-30-100. 05-12-047, § 308-30-100, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 43.24.086. 90-06-052, § 308-30-100, filed 3/2/90, effective 4/2/90. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-100, filed 11/26/85, effective 1/1/86.]

Chapter 308-48 WAC

FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-800	Funeral director/embalmer fees.
308-48-810	Brief adjudicative proceedings—When they can be used.
308-48-815	Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-820	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-820, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
308-48-830	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-830, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.

WAC 308-48-800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination or reexamination	\$100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00

Title of Fee	Fee
Embalmer intern:	
Intern application	75.00
Intern renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral director:	
State examination or reexamination	100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00
Funeral director intern:	
Intern application	75.00
Intern renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral establishment:	
Original application	300.00
Renewal	150.00
Branch registration	250.00
Branch renewal	150.00
Preneed application	140.00
Preneed renewal:	
0-25 sales	25.00
26-99 sales	75.00
100 or more sales	125.00
Crematory endorsement registration	140.00
Crematory endorsement renewal	
\$3.20 per cremation performed during previous calendar year.	
Academic intern	No fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00

[Statutory Authority: RCW 18.39.181 and chapter 34.05 RCW. 05-20-076, § 308-48-800, filed 10/4/05, effective 11/4/05. Statutory Authority: RCW 18.39.050. 03-11-021, § 308-48-800, filed 5/12/03, effective 6/30/03. Statutory Authority: RCW 18.39.181. 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4). 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.086. 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

WAC 308-48-810 Brief adjudicative proceedings—

When they can be used. (1) The board adopts RCW 34.05.-482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profes-

sion for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising;

(o) Whether a person has engaged in unlicensed practice; or

(p) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 05-23-150, § 308-48-810, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-810, filed 10/14/97, effective 11/14/97.]

WAC 308-48-815 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

(1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether

the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 05-23-150, § 308-48-815, filed 11/22/05, effective 12/23/05.]

Chapter 308-56A WAC

CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC

308-56A-030	Owner name and address—Recorded on the vehicle record—Registration—Application for certificate of ownership.
308-56A-040	Name and address—Change of address.
308-56A-090	Disclosure of individual vehicle owner information.
308-56A-405	Acquired from United States government.
308-56A-410	No application required.
308-56A-415	Application in dealers name.
308-56A-420	Delivery of vehicle on dealer temporary permit.
308-56A-500	Definitions.
308-56A-530	Vehicles brands and comments.

WAC 308-56A-030 Owner name and address—Recorded on the vehicle record—Registration—Application for certificate of ownership. (1) What registered owner and lien holder or secured party information is required on the vehicle record - registration - application for certificate of ownership (title)?

The vehicle record, registration and application for certificate of ownership (title) must include:

(a) The name of each registered owner (natural person or business) of the vehicle and, if the vehicle is subject to a lien or other security interest, the name of each secured party;

(b) The registered owner's primary residence street address (at the choice of the registered owner, a mailing address if different from the residence address can also be given); and

(c) The primary secured party's mailing address.

(2) Is there other information I am required to provide before I can obtain a certificate of ownership (title) or registration?

Yes. Before the department can issue a certificate of ownership (title) or registration, one of the following, in addition to the requirement listed in subsection (1) of this section, must be provided for each registered owner that is a natural person:

(a) Presentation of an unexpired Washington state driver's license; or

(b) Certification that he or she is:

(i) A Washington resident who is a natural person and does not operate a motor vehicle on public roads; or

(ii) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(3) What does primary residence mean for a registered owner who is a natural person or a business?

(a) In the case of a natural person, it means the person's true, fixed and permanent home in Washington. This does not include secondary or vacation homes where a vehicle is garaged or used. The department will presume that a registered owner's primary residence is the same as the address used in driver's license records or voter registration records.

(b) In the case of a business, it means the principal place in Washington from which the licensed trade or business of the registered owner is directed, managed, or conducted. Businesses with multiple Washington licensed business locations should use the licensed business location where the service vehicles owned and operated by the business are directed, managed, garaged, stored or maintained.

(4) Do the addresses for the application for certificate of ownership, vehicle record and registration need to conform to United States Postal Service (USPS) standards?

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(5) Are there exceptions to the requirement to provide a primary residence street address?

Yes. Exceptions will be made for:

(a) Persons who are exempt by law from paying motor vehicle excise tax or fees.

(b) Vehicles that are exempt by law from motor vehicle excise tax or fees.

(c) Natural persons who are homeless; defined as someone with no housing.

(d) Other exceptions may apply as determined appropriately by the director or his or her designee.

(6) Will the department renew a vehicle registration if the registered owner does not provide a primary residence street address?

No. The registered owner's primary residence street address is required for vehicle registration renewals unless an exception specified in this section is met.

(7) What will the department do if presented with documentation or other information to indicate there may be an error in the primary residence street address provided?

The department will flag the vehicle record and the registered owner will be required, prior to the time of next renewal, to:

(a) Show a residential utility bill, driver license or other documentation that verifies the primary residence street address; and

(b) Complete and sign a declaration under penalty of perjury on a form developed by the department.

(8) Can more than one address be shown on the vehicle record or application if there are multiple registered owners with different addresses?

No. The department can store the primary residence address and separate mailing address (if applicable) for only one of the registered owner(s).

(9) Can more than one address be shown on the vehicle record or application if there is more than one secured party?

No. Only one address for the primary secured party will be shown on the vehicle record.

(10) Is the applicant or registered owner required to certify the truth of the address information contained in the application for certificate of ownership or vehicle renewal?

No. The applicant or registered owner will only be required to complete and sign a declaration under penalty of perjury on a form developed by the department when the department has been presented with documentation or other information to indicate there may be an error in the address information provided and the vehicle record has been flagged.

(11) What is the penalty if the applicant or registered owner provides false address information?

A person providing false residency information is guilty of a gross misdemeanor punishable by a fine of five hundred twenty-nine dollars.

(12) Is my residence address subject to public disclosure?

Where both a mailing address and a residence address are recorded on the vehicle record and are different, only a mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

[Statutory Authority: RCW 46.16.010. 05-23-135, § 308-56A-030, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110. 04-07-168, § 308-56A-030, filed 3/23/04, effective 4/23/04; 03-05-081, § 308-56A-030, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-56A-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-56A-030, filed 6/19/95, effective 7/20/95; Order MV 208, § 308-56A-030, filed 7/31/74.]

WAC 308-56A-040 Name and address—Change of address. (1) If the registered owner's address changes, does the owner need to notify the department?

Yes.

(2) What information does the registered owner need to provide to the department if their address changes?

The owner must provide the department with:

(a) The registered owner's name (natural person or business) as it appears on the vehicle record(s);

(b) The license plate number or vehicle identification number (VIN) of each vehicle; and

(c) The new street address for the primary residence and at the choice of the registered owner, a separate mailing address if different from the primary residence address as defined in WAC 308-56A-030(2) with at least a five digit zip code and preferably a nine digit zip code.

(3) Are there exceptions to the requirement to provide a primary residence street address on the department's change of address form?

Yes. To be exempt from the requirement to provide the primary resident street address, the registered owner must meet one of the exceptions in WAC 308-56A-030(4) and complete and sign a form developed by the department indicating which exception they meet.

(4) Does the address need to conform to United States Postal Service (USPS) standards?

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(5) Is the registered owner required to certify the truth of the information provided when using the department's change of address form?

No. The registered owner will only be required to complete and sign a declaration under penalty of perjury on a form developed by the department if the department has been presented with documentation or other information to indicate that there may be an error in the address information provided and the vehicle record has been flagged.

(6) What is the penalty if the applicant or registered owner provides false address information when changing an address?

A person providing false residency information is guilty of a gross misdemeanor punishable by a fine of five hundred twenty-nine dollars.

(7) Is my residence address subject to public disclosure?

Where both a mailing address and a residence address are recorded on the vehicle record and are different, only a mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

[Statutory Authority: RCW 46.16.010. 05-23-135, § 308-56A-040, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110. 04-07-168, § 308-56A-040, filed 3/23/04, effective 4/23/04; 03-05-081, § 308-56A-040, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-040, filed 12/7/98, effective 1/7/99; 92-15-024, § 308-56A-040, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-090 Disclosure of individual vehicle owner information. (1) What vehicle record owner information is protected from disclosure? Vehicle information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information; and
- (d) Telephone numbers.

(2) Who may receive disclosure of individual vehicle owner names and addresses?

(a) Government agencies that require use of name and address information in their normal course of business;

(b) Any business entity that requires use of name and address information in their normal course of business in accordance with these rules;

(c) Vehicle manufacturers who require vehicle owner information for recall of their product;

(d) Individuals that provide proof of personal identification:

- (i) For vehicles currently registered in their name; or
- (ii) For vehicles they can provide a bill of sale or acceptable documents indicating that they purchased the vehicle.

(e) Please see subsection (3) of this section for additional restrictions.

Business and government entities requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed? Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

(4) What documentation does the department require to disclose vehicle owner name(s) and address(es)? The department requires:

(a) A signed and notarized vehicle/vessel record disclosure request application form provided by the department and completed by the applicant indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.380.

(c) Acceptable business entity verification; or

(d) A contract with the department.

(5) What is acceptable business verification? For purposes of this section acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(6) Does a business need to supply a new form and copy of the business license each time vehicle information is requested? Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless a contract exists between the business and the department.

(7) If a business entity has entered into a contract or agreement with the department, is a separate request for each inquiry required? No. If a business entity has entered into a signed contract between the business and the department, a separate request for each inquiry is not required.

(8) Are businesses allowed individual owner information on vehicle records? Yes, if a business requires individual owner information to conduct its regular business and qualifies under RCW 46.12.380 and 18 U.S.C. 27.21 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(9) Who may release the vehicle owner name and address information?

(a) The public disclosure unit of the vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(10) When may the department disclose the individual name(s) and address(es) of vehicle owners? Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose names and addresses of vehicle owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(11) What does the term "unsolicited business contact" mean? The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(12) Is the department required to notify the vehicle owner when ownership information is disclosed? When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. The notice will provide the name and address of the requesting party. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and include the name and address of the requesting party.

(13) How long will the department retain the request for disclosure of vehicle owner information? The department will retain the request for disclosure for three years.

(14) Who is responsible for assuring that the information is used appropriately? Any person, business, entity or association that receives vehicle owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 46.16.010, 46.12.370, and 46.12.380. 05-18-002, § 308-56A-090, filed 8/25/05, effective 9/25/05. Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 02-01-123, § 308-56A-090, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-090, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-090, filed 6/3/98, effective 7/4/98. Statutory Authority:

RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380. 96-03-047, § 308-56A-090, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 46.01.110 and 88.02.070. 91-03-088, § 308-56A-090, filed 1/18/91, effective 2/18/91.]

WAC 308-56A-405 Acquired from United States government. Do I need to title those vehicles? A licensed vehicle dealer who acquires vehicles from an agency of the United States government may title the vehicles under "title purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-405, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-405, filed 7/31/74.]

WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership? A Washington vehicle dealer need not apply for title in his own name when:

- (1) A vehicle is acquired that is titled and the title is properly released; or
- (2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;
- (3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-410, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-410, filed 7/31/74.]

WAC 308-56A-415 Application in dealers name. When do I need to apply for a certificate of ownership? Except as referenced in WAC 308-56A-410, a Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-415, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-415, filed 7/31/74.]

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. How do I deliver a vehicle on a dealer temporary permit?

- (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.
- (2) The application for title portion of the permit form must be properly and completely filled out by the selling/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser/lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.
- (3) The dealer shall collect all fees required for titling and registration of a vehicle.
- (4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of

expiration will be forty-five calendar days after date on which the vehicle is physically delivered to the customer/purchaser/lessee.

(5) The application copies shall be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary permit is authorized; the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling or leasing dealer physically delivers the vehicle to the customer/purchaser/lessee shall commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and the date on which the vehicle was physically delivered to the customer/purchaser/lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is physically delivered to the customer/purchaser/lessee.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Date and location of purchase of each permit and the permit number;
- (b) Identification of vehicles delivered on temporary permits;
- (c) Dates of vehicle sales, leases and deliveries.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-420, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 46.70.160 and 46.70.110. 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160. 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

WAC 308-56A-500 Definitions. The following definitions apply to terms used in chapters 46.12 and 46.16 RCW and chapter 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership, registration certificate, validation tab are unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

(4) "Brands" means a permanent notation on the certificate of ownership and vehicle registration certificate that records a circumstance or condition involving a vehicle.

(5) "Brands incident date" is the date that a brand was first applied to a vehicle. For states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS), it's the date the brand was first reported. For all other states/jurisdictions, it is established by using the date the current title was issued. Brands on Washington records prior to the effective date of this rule will reflect a brand incident date equal to the date the last Washington certificate of ownership was issued.

(6) "Certificate of ownership" (also referred to as "certificate of title" or "title") is a legal document indicating proof of ownership and will establish a fact or sustain a judgment unless contradictory evidence is produced. A certificate of ownership may be a document other than a title when a title document is not issued by a jurisdiction. For example, for Canadian vehicles, the certificate of ownership is the registration.

(7) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

(9) "Current license plate registration" means the current registration or one that has been expired less than one year.

(10) "Declaration in lieu of title" is a written statement confirming the certificate of ownership, registration certificate, validation tab is unavailable, lost, stolen, destroyed, or mutilated. The declaration in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the declaration in lieu of title must be signed under penalty of perjury, as described in WAC 308-56A-270.

(11) "Declaration of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed, or mutilated. The declaration of loss release of interest form may be

used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the declaration of loss release of interest must be signed under penalty of perjury, as described in WAC 308-56A-270.

(12) "Department" means the same as described in RCW 46.04.162.

(13) "Department temporary permit" is a permit issued temporarily in lieu of permanent registration and license plates when required documentation is unavailable.

(14) "Electronic filing" is the use of an electronic method to transmit information to the department that may include, but is not limited to, the use of the internet and facsimile.

(15) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

(16) "Joint tenancy with rights of survivorship" (JTWROS) means two or more people who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(17) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(18) "Legal owner" means the same as described in RCW 46.04.270.

(19) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(20) "Natural person" means a human being.

(21) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(22) "A declaration under penalty of perjury" means a statement signed by the applicant to the effect - "I declare under penalty of perjury under the laws of the state of Washington that the information I have provided on this form is true and correct. Anyone who knowingly makes a false statement may be guilty of a crime under state law."

(23) "Person" means the same as described in RCW 46.04.405.

(24) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(25) "Registered owner" means the same as described in RCW 46.04.460.

(26) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(27) "Security interest holders" means in this instance, the same as "lien holder" as defined in subsection (16) of this section.

(28) "Secured party" means in this instance the same as "lien holder" as defined in subsection (16) of this section.

(29) "Standard brand" is a brand found on the brands list maintained by the National Motor Vehicle Title Information System (NMVTIS) program.

(30) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

(31) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

(32) "Unique brand" means a brand issued by a state that is not participating in the National Motor Vehicle Title Information System (NMVTIS) program and does not appear on the brands list maintained by NMVTIS.

(33) "Washington vehicle licensing office" means an office that is operated by the department or an agent or sub-agent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

[Statutory Authority: RCW 46.16.010, 05-23-135, § 308-56A-500, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110, 05-07-152, § 308-56A-500, filed 3/23/05, effective 5/15/05; 04-08-081, § 308-56A-500, filed 4/6/04, effective 5/7/04; 02-19-016, § 308-56A-500, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 65.20.110, 00-13-083, § 308-56A-500, filed 6/20/00, effective 7/21/00; 00-06-004, § 308-56A-500, filed 2/18/00, effective 3/20/00; 90-11-091, § 308-56A-500, filed 5/18/90, effective 6/18/90.]

WAC 308-56A-530 Vehicles brands and comments.

(1) **What is a brand?** For the purposes of this section a brand is a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle.

(2) **What brands are assigned to vehicles by the department?** Brands used by the department include, but are not limited to:

- (a) Former exempt, as defined in RCW 46.16.020;
- (b) Former for hire, as defined in RCW 46.72.010;
- (c) Former taxicab, as described in RCW 46.72.010;
- (d) Rebuilt as required in RCW 46.12.075, when a vehicle reported destroyed under RCW 46.12.070 or 46.80.090 and WAC 308-56A-460 meets the definition of salvage vehicle in RCW 46.12.005;
- (e) Street rod as defined in RCW 46.04.571;
- (f) Nonconformity uncorrected or safety defect uncorrected as defined in RCW 19.118.021 (13) and (18);
- (g) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18);
- (h) Returned to manufacturer;
- (i) Odometer - Not actual;
- (j) Odometer - Exceeds mechanical limits;
- (k) Repaired - Wrecker/insurance bill of sale.

(3) **What brands are carried forward from the other states/jurisdictions by the department?**

(a) Brands for states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS) program (known as "Standard Brands,") are maintained in the brands list by NMVTIS and include, but are not limited to:

- (i) Rebuilt;
- (ii) Junk;
- (iii) Destroyed;
- (iv) Salvage - Damaged;
- (v) Salvage - Retention;
- (vi) Salvage - Stolen;
- (vii) Salvage - Other;
- (viii) Flood damage;
- (ix) Hail damage;
- (x) Saltwater damage;
- (xi) Totaled.

(b) Brands from states/jurisdictions not participating in NMVTIS that do not appear on the brands list maintained by NMVTIS (known as "unique brands") will be carried forward on Washington certificates of ownership and registration certificates exactly (or abbreviated if too long) as they appear on the foreign title.

More than one brand may appear on the vehicle registration or certificate of ownership.

(4) **Will a brand be applied to destroyed vehicles that have been sold on an out-of-state wrecker or insurance bill of sale, then repaired, and inspected?** Yes. Vehicles not reported to DOL as destroyed and then sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title, then brought into Washington from another jurisdiction that is not subject to reporting under RCW 46.12.070 repaired, and inspected will be branded. The brand will appear as "repaired-wrecker/insurance bill of sale."

The jurisdiction code will be identified as "WA."

(5) **Why is a brand used?** A brand is used in the circumstances above for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vehicle.

(6) **Will the department remove a brand?** Brands stay on vehicle records indefinitely. The department will only remove a brand if the brand was applied to a Washington certificate of ownership in error; or

(a) If a former rental brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(b) If a nonstandard brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(7) **Where are brands located on the documents?** Brands are located in the brands section of the certificate of ownership and vehicle registration. Brands will display beginning with Washington issued brands, followed by unique brands, then standard brands. If applicable, "WA REBUILT" will show as a banner across the certificate of ownership.

(8) **What is a comment?** For the purposes of this section a comment is an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type.

(9) **What comments could the department print on certificates of ownership?**

(a) Comments relating to the ownership that include: Bonded, leased, JTWROS.

(b) Comments relating to tax liability that include: Use tax waived - gift, value code, value year.

(c) Comments relating to the type of title transaction, which include duplicate, and reprint.

(d) Miscellaneous comments that include: Not eligible for road use.

(10) **What comments could the department print on vehicle registration certificates?** Comments printed on vehicle registration certificates may include, but are not limited to:

(a) "CVSEF PAID" or "commercial vehicle safety enforcement fee paid";

(b) "Because scale weight exceeds gross weight, D.O.T. permit also required";

(c) "Commercial vehicle safety enforcement fee not paid";

(d) "Display tab on back license plate" only - front plate is still required;

(e) "*Check vehicle data base record for actual expiration date";

(f) "Replica";

(g) "Proof of FHVUT verified";

(h) "No title issued" or "no title issued - ownership in doubt";

(i) "Excise exempt NRM";

(j) "Excise exempt native American";

(k) "Excise exempt van pool";

(l) "Excise exempt rideshare";

(m) "Registration only";

(n) "Prorated gross weight to be more than 16,000";

(o) "Additional owners on record";

(p) "Not eligible for road use";

(q) "Perm plt";

(r) "Use tax waived: Gift";

(s) "Permanent fleet vehicle";

(t) "*Perm";

(u) "Color";

(v) Comments relating to the ownership; bonded, leased, JTWR0S, registration only;

(w) Tax liability DAV, native American, NRM, value code/year, use tax option, rideshare, POW, tax code 95, double transfer;

(x) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration;

(y) Miscellaneous gift, ride, previous plate VIN flag, farm vehicle restrictions, Federal Drug Program (Title 49 CFR Part 382) vehicle color, odometer code, RETURN TO MFG, not eligible for road use (NEFRU).

(11) **What comments would the department carry forward from other jurisdictions?** The department does not carry forward comments assigned by other jurisdictions.

(12) **Why are comments used?** Comments are used for consumer protection, to inform any subsequent owners and vehicle licensing personnel of the current tax liability, type of ownership, or title transaction type or other pertinent information.

(13) **Will the department remove a comment?** The department will remove a comment if:

(a) The comment was applied in error; or

(b) The comment no longer applies.

[Statutory Authority: RCW 46.01.110. 05-07-152, § 308-56A-530, filed 3/23/05, effective 5/15/05; 02-19-016, § 308-56A-530, filed 9/9/02, effective 10/10/02.]

[2006 WAC Supp—page 1344]

Chapter 308-63 WAC

WRECKERS

WAC

308-63-020	Definitions.
308-63-030	Established place of business.
308-63-050	Expiration of motor vehicle wrecker's license.
308-63-060	Vehicle wrecker—Special plates.
308-63-070	Wreckers—General procedures and requirements.
308-63-080	Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts.
308-63-090	Vehicle wrecker—Records and procedures for monthly reports.
308-63-100	Vehicle wrecker—Must furnish bill of sale for parts.
308-63-110	Vehicle wrecker—Selling used vehicles.
308-63-130	Termination of business.

WAC 308-63-020 Definitions. May I acquire a vehicle or a vehicle part on a bill of sale? (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle being purchased, including the make, model and identification or serial number; the date of purchase; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-020, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-020, filed 4/6/93, effective 5/7/93.]

WAC 308-63-030 Established place of business. What is a vehicle wrecker place of business? A vehicle wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished. It must conform with local zoning regulations.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-030, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-030, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-030, filed 4/6/93, effective 5/7/93.]

WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire? (1) A vehicle wrecker's license shall expire twelve consecutive months from the date of issuance.

(2) Vehicle wrecker license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-050, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-050, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-050, filed 4/6/93, effective 5/7/93.]

WAC 308-63-060 Vehicle wrecker—Special plates. **How do I use the special vehicle wrecker license plates?** All vehicles used for towing or transporting vehicles or vehicle parts by a vehicle wrecker on the highways of this state in the conduct of the business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles or vehicle parts in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles, the applicant shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or vehicle parts shall display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.80.140, 05-14-093, § 308-63-060, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-060, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-63-060, filed 4/6/93, effective 5/7/93.]

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

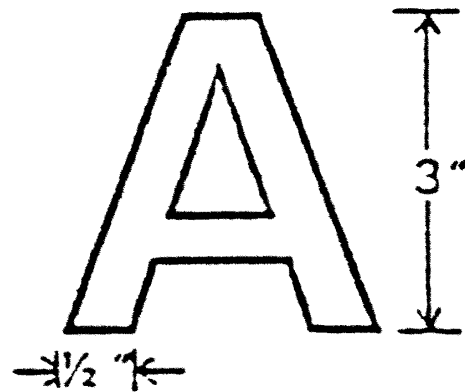
(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same permit. The vehicle wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local

zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate vehicle wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or vehicle parts which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and shall be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. Under RCW 46.80.010 (5) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-070, filed 6/30/05, effective 7/31/05; 01-03-141, § 308-63-070, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-070, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-070, filed 4/6/93, effective 5/7/93.]

WAC 308-63-080 Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts? Supporting acquisition. The vehicle wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

- (1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.
- (2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.
- (3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.
- (4) Insurance company bills of sale pursuant to WAC 308-56A-460(3).
- (5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).
- (6) Affidavit of junk vehicle pursuant to RCW 46.55.230.
- (7) A court order.
- (8) A bill of sale for parts pursuant to WAC 308-63-020(2).
- (9) A bill of sale from another licensed vehicle wrecker.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-080, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-080, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-080, filed 4/6/93, effective 5/7/93.]

WAC 308-63-090 Vehicle wrecker—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

- (a) A record of each vehicle or part acquired giving:
 - (i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;
 - (ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;
 - (iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part;
 - (iv) The name of the state and license number in the state that a vehicle was last registered; and
 - (v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the

market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) The vehicle wrecker must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report shall contain such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates; provided that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and made available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the wrecking yard shall be identified by a yard number as assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-090, filed 6/30/05, effective 7/31/05. Statutory Authority: Chapter 46.55 RCW. 02-19-036, § 308-63-090, filed 9/10/02, effective 10/11/02. Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-090, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-090, filed 4/6/93, effective 5/7/93.]

WAC 308-63-100 Vehicle wrecker—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No vehicle wrecker may sell a vehicle part unless the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make,

model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No vehicle wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The vehicle wrecker shall retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-100, filed 6/30/05, effective 7/31/05; 01-03-141, § 308-63-100, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-100, filed 4/6/93, effective 5/7/93.]

WAC 308-63-110 Vehicle wrecker—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license? (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-110, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-110, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-110, filed 4/6/93, effective 5/7/93.]

WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my vehicle wrecker license? A vehicle wrecker who terminates business shall, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-130, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-130, filed 4/6/93, effective 5/7/93.]

Chapter 308-66 WAC MOTOR VEHICLE DEALERS AND MANUFACTURERS

WAC

308-66-160 Dealer's and manufacturer's license plates.

WAC 308-66-160 Dealer's and manufacturer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090 (7)(c). Prospective customers, when not accompanied by a dealer or member of his firm, must be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates must be covered by the dealer's

plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When foreign-plated vehicles are sold to residents of a state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:

(a) The purchaser must sign a nonresident affidavit to apply to their home state's vehicle licensing authority to register the vehicle in their own name, or

(b) The purchaser must have obtained a trip permit to move the vehicle from the dealer's place of business to the purchaser's own state.

(3) A dealer, corporate officer, member of a limited liability company; or spouse of the dealer, corporate officer, or member of a limited liability company; or an employee of a dealer must carry a vehicle dealer identification card when operating any vehicle bearing dealer plates.

(4) Dealer plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide accurate records reflecting the use of dealer plates.

(8) Pursuant to RCW 46.70.090, testing vehicles for repair is limited to testing for a preexisting, identifiable problem known to the vehicle dealer or manufacturer before the testing is to begin. In addition, vehicle manufacturers may test vehicles for purposes of product evaluation/performance and problem identification, as long as loads are within the legal limits, no commercial hauling is involved, and a company employee with identification is driving the vehicle.

[Statutory Authority: RCW 46.70.160. 05-23-088, § 308-66-160, filed 11/16/05, effective 12/17/05; 04-16-090, § 308-66-160, filed 8/3/04, effective 9/3/04; 98-20-039, § 308-66-160, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-160, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.090. 91-20-057, § 308-66-160, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160. 86-21-025 (Order DLR-114), § 308-66-160, filed 10/8/86; Order MV 170, § 308-66-160, filed 7/16/73; Order 70-08-04, § 308-66-160, filed 8/6/70; Order 69-1, § 308-66-160, filed 8/28/69; Order 2, § 308-66-160, filed 1/29/68.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-026	Vehicle transit permit.
308-96A-096	Registration requirements.
308-96A-311	General provisions.
308-96A-314	Individual with disabilities special license plates.

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate

of ownership or registration. Use of the vehicle is restricted to the reason(s) indicated on the permit.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from Washington vehicle licensing offices.

(4) How long is the vehicle transit permit valid?

The permit is valid only for the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

(5) What information is required to issue the vehicle transit permit?

- (a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;
- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents charge a service fee.

[Statutory Authority: RCW 46.01.110, 05-13-118, § 308-96A-026, filed 6/20/05, effective 7/21/05. Statutory Authority: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.060, 46.16.600, 43.17.060, 04-08-002, § 308-96A-026, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276, 01-17-017, § 308-96A-026, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-026, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 92-15-025, § 308-96A-026, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.276, 86-23-045 (Order TL/RG 28), § 308-96A-026, filed 11/18/86.]

WAC 308-96A-096 Registration requirements. (1) What is required when registering a vehicle in Washington?

- (a) The name of each registered owner, (natural person or business) of the vehicle and, if the vehicle is subject to a lien or other security interest, the name of each secured party;
- (b) The registered owner's primary residence street address (at the choice of the registered owner, a mailing address if different from the residence address can also be given); and
- (c) The primary secured party's mailing address; and
- (d) For natural persons one of the following:
 - (i) Presentation of an unexpired Washington state driver's license; or
 - (ii) Certification that he or she is:
 - A Washington resident who does not operate a motor vehicle on public roads; or
 - Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

For purposes of this section, shared or joint ownership includes all registered owners shown on the active vehicle record.

(2) For the purposes of this section, "presents" means:

(a) In person, to bring and display the unexpired Washington state driver's license to the department or its agents and subagents and for each additional registered owner shown on the vehicle record, a photocopy of, or to provide in writing, the license number and expiration date from an unexpired Washington state driver's license.

(b) For internet transactions, to enter the license number and expiration date from an unexpired Washington state driver's license.

(c) By mail, to provide in writing the license number and expiration date from an unexpired Washington state driver's license.

(3) For the purposes of this section, "valid and compelling" reasons include:

(a) Driving privilege has been withdrawn by the department or a court.

(b) A co-owner is not available. Circumstances to include, but not be limited to, being incarcerated or out-of-state due to work assignment or personal need.

(c) A co-owner is deceased.

(d) Persons who are divorced and the registered owner awarded the vehicle presents a divorce decree showing the vehicle was awarded to them.

(e) Active military stationed in a foreign country or otherwise not available to provide the information.

(f) Other reasons determined by the director or his or her designee to be valid and compelling.

(4) For the purposes of this section, a "natural person" may be a resident of this state even though that person has or claims residency in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

(a) You maintain a residence in this state for personal use;

(b) You have a Washington state driver's license or a Washington state resident hunting or fishing license;

(c) You use a Washington state address for federal income tax or state tax purposes;

(d) You have previously maintained a residence in this state for personal use and have not established a permanent residence outside the state of Washington (for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(e) You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(f) You are a custodial parent with a child attending public school in this state;

(g) The department may consider factors other than those listed in this subsection to determine that a person intends to be located in or be a resident of this state. However, the department may not consider those factors alone to presume residency;

(h) A natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration.

(5) When registering a vehicle with joint or shared ownership, you must present the following for each registered owner shown on the active vehicle record:

(a) The license number from an unexpired Washington state driver's license; or

(b) Certification that you or the co-owner is a Washington resident who does not operate a motor vehicle on public roads; or

(c) Certificate that you or the co-owner is exempt from the requirement to obtain a Washington driver's license under RCW 46.20.025.

[Statutory Authority: RCW 46.16.010, 05-23-135, § 308-96A-096, filed 11/22/05, effective 1/3/06.]

WAC 308-96A-311 General provisions. (1) How do I qualify for an individual with disabilities parking privilege?

In order to qualify for a temporary or permanent individual with disabilities parking privilege, a licensed physician or advanced registered nurse practitioner (ARNP) must certify, on a department approved application form, that you have a disability that limits or impairs your ability to walk and that you meet the requirements listed in RCW 46.16.381(1). For the purpose of implementing this rule, a physician is defined as a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM). Licensed physician does not include persons licensed in the professions of dentistry and optometry. The physician or ARNP as defined above must sign a declaration under penalty of perjury that you have a disability that limits or impairs the ability to walk and that you meet one of the following criteria allowed by RCW 46.16.381:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Are severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Are so severely disabled, that you cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Use portable oxygen;

(e) Are restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Are impaired by cardiovascular disease or cardiac condition to the extent that your functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Have a disability resulting from an acute sensitivity to automobile emissions which limits or impairs your ability to walk. Your personal physician or advanced registered nurse practitioner must document that your disability is comparable in severity to the others listed in this subsection.

The medical declaration is required for all original applications for permanent and temporary disability privileges and for permanent disability privileges that have been expired more than thirty days. Declaration is not required for renewal of existing Washington privileges for an individual with disabilities.

(2) How do I apply for an individual with disabilities parking privilege?

Once the licensed physician or ARNP portion of the application is completed, you must complete and sign your portion of the application and submit it to the department or file the form in person at most Washington vehicle licensing offices, as noted on the application.

(3) Who may sign the application for an individual with disabilities who is unable to sign or is a minor?

When an individual with disabilities is unable to sign or is a minor, the application may be signed by an authorized representative of the individual with disabilities. The application must then be accompanied by a copy of one of the following:

(a) A power of attorney;

(b) A Washington state court order or certification from the clerk of court confirming the court's action; or

(c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(4) When is the individual with disabilities parking privilege no longer valid?

The individual with disabilities parking privilege is no longer valid:

(a) Upon expiration of the privilege;

(b) Upon death of the individual with disabilities;

(c) If the disability no longer exists; or

(d) If the privilege was issued in error.

(5) What happens if I do not renew my permanent parking privilege prior to the expiration date?

When an individual with disabilities parking privilege is expired for more than thirty calendar days, a new original application with physician or ARNP's certification will be required.

(6) What will I receive once my application is approved?

You will receive an individual with disabilities identification card and:

(a) If you have a temporary disability you will receive one red temporary placard;

(b) If you have a permanent disability you may choose to receive:

(i) Up to two blue permanent placards; or

(ii) One blue permanent placard and one set of individual with disabilities license plates. The individual with disabilities must be a registered owner to receive these special license plates.

(iii) In lieu of the individual with disabled parking license plates, a qualifying individual may request the issuance of an individual with disabilities year tab, which may be displayed on the following types of special license plates:

(A) Stadium plates authorized under RCW 46.16.301;

(B) Congressional Medal of Honor Plates authorized under RCW 46.16.305;

(C) Pearl Harbor survivor plates authorized under RCW 46.16.305;

(D) Collegiate plates authorized under RCW 46.16.324;

(E) Any plates created after January 1, 2003, per RCW 46.16.745;

(F) Disabled veteran plates authorized under RCW 73.04.110;

(G) Former prisoner of war plates authorized under RCW 73.04.110;

(H) Former prisoner of war plates for surviving spouses authorized under RCW 73.04.115;

(I) Square dancer plates authorized under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997;

(J) Purple heart plates authorized under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997.

(7) When can the individual with disabilities parking privileges be used?

The parking privileges may only be used when the person to whom the plate or placard is issued is being transported.

(8) Why is the individual with disabilities identification card issued?

The individual with disabilities identification card must be available for law enforcement or parking enforcement officials to verify the identity of the individual with disabilities and to ensure the parking privilege is only used by those who qualify for that privilege.

If you have just applied for and not yet received an individual with disabilities identification card, show the receipt you received at the time of application.

(9) How do I display the individual with disabilities parking placard?

(a) The placard is hung from the rearview mirror post; or

(b) In the absence of the rearview mirror post, the placard may be placed on the dashboard.

However displayed, the entire placard must be visible through the vehicle windshield.

[Statutory Authority: RCW 46.16.381, 05-07-151, § 308-96A-311, filed 3/23/05, effective 4/23/05; 04-14-077, § 308-96A-311, filed 7/6/04, effective 8/6/04; 02-04-002, § 308-96A-311, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276, 99-21-034, § 308-96A-311, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-311, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-314 Individual with disabilities special license plates. (1) Where can I obtain an individual with disabilities special license plate and identification card?

You may apply for an individual with disabilities special license plate at most Washington vehicle licensing offices. You will receive the identification card and individual with disabilities special license plates in the mail.

In lieu of the individual with disabled parking license plates, a qualifying individual may request the issuance of an individual with disabilities year tab, which may be displayed on the following types of special license plates:

(a) Stadium plates authorized under RCW 46.16.301;

(b) Congressional Medal of Honor Plates authorized under RCW 46.16.305;

(c) Pearl Harbor survivor plates authorized under RCW 46.16.305;

(d) Collegiate plates authorized under RCW 46.16.324;

(e) Any plates created after January 1, 2003, per RCW 46.16.745;

(f) Disabled veteran plates authorized under RCW 73.04.110;

(g) Former prisoner of war plates authorized under RCW 73.04.110;

(h) Former prisoner of war plates for surviving spouses authorized under RCW 73.04.115;

(i) Square dancer plates authorized under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997; and

(j) Purple heart plates authorized under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997.

(2) How do I qualify for individual with disabilities special license plates?

To receive special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) A licensed physician or ARNP must declare that you have a permanent disability that qualifies you for the privileges identified under RCW 46.16.381 or that you have already been granted the privileges under that chapter.

(3) When do the individual with disabilities special license plates and identification card expire?

These special license plates carry the expiration date of your vehicle registration and must be renewed annually. The privilege to use the individual with disabilities special license plate must be renewed every fifth year from the month of issuance of the privilege.

(4) When are the individual with disabilities special license plates no longer valid?

These special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the individual with disabilities;

(d) If the disability no longer exists;

(e) The special license plates have been canceled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the individual with the disability is no longer shown on the department's record as being a registered owner of the vehicle.

(5) How do I replace the individual with disabilities special license plates if they become lost, mutilated, destroyed, or stolen?

You shall complete and sign a statement explaining what happened to the individual with disabilities special license plate(s) and pay replacement plate fees. Replacement special individual with disabilities license plates will be issued indicating the current expiration date. See note following subsection (6) of this section.

(6) When I am required to replace my individual with disabilities special license plate(s), will I receive the same number/letter combination? Yes. Upon request and with payment of the plate retention fee in RCW 46.16.233, you will receive replacement individual with disabilities parking special license plate(s) with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.16.381, 05-07-151, § 308-96A-314, filed 3/23/05, effective 4/23/05; 04-14-077, § 308-96A-314, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 03-05-082, § 308-96A-314, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.16.381, 02-04-002, § 308-96A-314, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276, 99-21-034, § 308-96A-314, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-314, filed 10/29/98, effective 10/29/98.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-014 Application for driver's license or identification card.

WAC 308-104-014 Application for driver's license or identification card. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

- (1) The person's full name, current mailing and residential address, and telephone number;
- (2) The person's physical description, including sex, height, weight, and eye color;
- (3) The person's date and place of birth;
- (4) The person's social security number, if the social security number is required by state or federal law. If the person's social security number is not required by state or federal law, the person may voluntarily provide his or her social security number in order to assist the department in verifying identity;
- (5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;
- (6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;
- (7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;
- (8) If the application is for a driver's license or instruction permit, whether the person has had a loss of consciousness or control within the last six months that could impair his or her ability to operate a motor vehicle;
- (9) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a declaration by the person that he or she has read and understands the intermediate license restrictions;
- (10) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and
- (11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

[Statutory Authority: RCW 46.20.091 (1)(g) and 46.01.110, 05-15-064, § 308-104-014, filed 7/12/05, effective 8/12/05. Statutory Authority: RCW 46.01.110, 00-18-070, § 308-104-014, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-014, filed 12/14/90, effective 1/14/91.]

Chapter 308-108 WAC DRIVER TRAINING SCHOOLS

WAC

308-108-010	Promulgation—Authority.
308-108-020	Definitions.
308-108-080	Instructor's license—Application—Background check and fingerprint check.
308-108-090	Instructing instructors in the training of drivers.
308-108-100	Place of business—Classroom space.
308-108-110	Traffic safety education vehicles.
308-108-120	Administration.
308-108-130	Inspection and review.
308-108-140	Reporting requirements.
308-108-150	Curriculum schedule.
308-108-160	Behind the wheel instruction and observation.
308-108-170	Ensuring student accomplishment.
308-108-180	Disciplinary action—Term of license denial, suspension, or revocation—Public notice of actions taken.

WAC 308-108-010 Promulgation—Authority. Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

[Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-010, filed 7/29/05, effective 8/29/05.]

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions. Behind the wheel instruction is characterized by driving experience.
- (2) "Branch office" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.
- (3) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.
- (4) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.
- (5) "Driver training school" means a commercial business offering instruction in the operation of automobiles for a fee:
 - (a) To any person for the purpose of securing traffic safety education prior to applying for a basic driver's license; and/or
 - (b) For the enhancement of an experienced driver's knowledge, skill, and ability.
- (6) "Instructor-trainer" means a currently licensed instructor who is training driving instructors and who has:
 - (a) Not less than one thousand hours or five years of previous experience in providing traffic safety education; or

(b) Not less than one thousand hours or five years experience in the field of traffic safety, documented training acceptable to the director in teaching training techniques to others, and not less than three hundred hours of previous experience in providing training to others.

(7) "Owner" means a person or group that has a financial interest in a driver training school.

(8) "Student" means any person enrolled in a traffic safety education course for which a fee is paid.

(9) "Traffic safety education" means a course of instruction in the operation of automobiles that consists of two phases, classroom instruction and behind the wheel instruction. Each phase must meet basic course requirements established by the department.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-020, filed 7/29/05, effective 8/29/05.]

WAC 308-108-080 Instructor's license—Application—Background check and fingerprint check. (1) Unless waived by the department under the provisions of RCW 46.82.325(3), an applicant for an instructor's license must complete a criminal background check, including a fingerprint check, at the time of initial application or, for a previously or currently licensed instructor who has not completed such check, at the time of the first re-qualification examination required under RCW 46.82.320(1) following the adoption of this rule.

(2) The department shall review the instructor's license applicant's complete abstract of driving record at the time of each initial and renewal application. For purposes of RCW 46.82.330 (3)(a):

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the three-year period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or 46.20.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding three years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the three-year period immediately preceding the time of application.

(3) The instructor's license applicant must submit satisfactory evidence of completion of the required sixty hours of

instruction in the training of drivers at time of initial application.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-080, filed 7/29/05, effective 8/29/05.]

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The sixty-hour course of instruction in the training of drivers required under RCW 46.82.330 (3)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) The instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Consist of:

(i) Not less than twelve hours of instruction in behind the wheel teaching methods;

(ii) Not less than six hours of supervised practice behind the wheel teaching of driving techniques;

(iii) Not less than thirty hours total of approved instruction covering each of the following areas:

(A) Education or special education;

(B) Driver education teacher skills training;

(C) Classroom teaching techniques; and

(D) Communication skills; and

(iv) Not less than twelve hours of instruction that shall prepare the instructor to:

(A) Communicate the concepts of driving and traffic safety to others;

(B) Demonstrate educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(C) Develop instructional materials and activities that aid student learning and performance;

(D) Define and describe the nature of the driving task on public highways;

(E) Establish and maintain classroom organization;

(F) Manage enrollment, student scheduling, student records, and required reports; and

(G) Plan a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) Not less than thirty days prior to any instructor training being conducted by an instructor-trainer, the instructor-trainer or owner of the driver training school where the instructor-trainer is employed shall submit a course curriculum for department review and approval.

(4) Any revision to the instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department.

(5) The department may consider other academic instruction in lieu of that listed in subsection (2)(b) of this section.

(6) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-090, filed 7/29/05, effective 8/29/05.]

WAC 308-108-100 Place of business—Classroom space. (1) The place of business of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-100, filed 7/29/05, effective 8/29/05. Statutory Authority: RCW 46.01.110. 91-01-063, § 308-108-100, filed 12/14/90, effective 1/14/91.]

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-110, filed 7/29/05, effective 8/29/05.]

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before:

(a) Enrolling any students in a course of instruction;

(b) Issuing a verification of enrollment to any student; and

(c) Any classroom or behind the wheel instruction begins.

(2) Each driver training school shall adopt a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats; and

(d) The minimum and maximum course duration.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance;

(b) Instruction starting and ending dates and times;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Performance evaluation results; and

(e) The name of the instructor who provided each classroom and behind the wheel training session in which the student participated.

(4) Student records must be maintained by a driver training school for the past five years.

(5) Driver training school records, including but not limited to the school's written curriculum guide, insurance policies, collision or injury reports, traffic safety education vehicle registration records, and records of any traffic violations committed by an instructor employed by the school, must be maintained by a driver training school for the past three years.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-120, filed 7/29/05, effective 8/29/05.]

WAC 308-108-130 Inspection and review. (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be immediately available for inspection at a driver training school's primary place of business. Branch office records not immediately available for inspection must be made available for inspection within forty-eight hours following a request for review by the department.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-130, filed 7/29/05, effective 8/29/05.]

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within thirty days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department a monthly report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Forward to the department a report of the annual inspection of each traffic safety education vehicle conducted under WAC 308-108-110 (1)(b). The driver training school owner must maintain a copy of the report in the school's records.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-140, filed 7/29/05, effective 8/29/05.]

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year.

(1) Classroom and behind the wheel instruction must be complementary. This means that classroom instruction is augmented in a timely manner by behind the wheel instruction.

(2) Students under age eighteen shall complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction during any single day.

(3) For purposes of meeting the traffic safety education requirement of RCW 46.20.100, instruction for students under the age of eighteen must:

(a) Include not less than thirty hours of classroom instruction; and

(b) Meet the behind the wheel instruction and observation requirements of WAC 308-108-160.

(4) Classroom and behind the wheel instruction must be provided in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length.

(5) Student enrollment in a class may be open for no later than the third class session after the start date of a traffic safety education course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-150, filed 7/29/05, effective 8/29/05.]

WAC 308-108-160 Behind the wheel instruction and observation. Instruction provided to students under the age of eighteen must include:

(1) Behind the wheel instruction consisting of:

(a) Four or more hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

(b) Three or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

(2) One or more hours of additional in-vehicle driver observation.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-160, filed 7/29/05, effective 8/29/05.]

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) At a minimum, all students under the age of eighteen must receive instruction according to the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-170, filed 7/29/05, effective 8/29/05.]

WAC 308-108-180 Disciplinary action—Term of license denial, suspension, or revocation—Public notice of actions taken. (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) For purposes of consistently administering RCW 46.82.350 and 46.82.360, the department will use the following guidelines for determining the length of license denial, suspension, or revocation of a driver training school or instructor:

(a) Permanent revocation or denial of a license for conviction of a sexual offense involving a minor;

(b) Revocation or denial of a license for ten years for conviction of a felony, when the felony is related to the activity for which the person is seeking licensure;

(c) Except as otherwise provided in subsections (2)(a) and (2)(b) of this section, revocation or denial of a license for one year for conviction of a felony, crime of violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(d) Revocation or denial of a license for one year for:

(i) Falsification, fraud, or deceit in connection with an original or renewal license or application;

(ii) Fraudulent business practices;

(iii) Fraud or inducement to commit fraud in order to obtain a driver's license; or

- (iv) Failure to secure and maintain liability insurance;
- (e) Suspension or denial of a license for not less than one hundred eighty days nor more than one year for:
 - (i) Allowing or conducting unlicensed classroom or behind the wheel instruction, except when under the direct supervision and in the presence of an approved instructor-trainer.
 - (ii) Failing to satisfactorily adhere to and utilize all required classroom and behind the wheel concepts;
 - (iii) Failing to maintain or submit student and school records as required by the department; or
 - (iv) Failing to submit to an inspection or technical assistance visit by the department;
- (f) Suspension or denial of a license for ninety days for:
 - (i) Violating vehicle equipment and signage requirements;
 - (ii) Instructing a student who is not in possession of a valid instruction permit or driver's license;
 - (iii) Prohibited advertising;
 - (iv) Doing business or providing instruction in a prohibited or unlicensed location; or
 - (v) Instructing or training on a department of licensing driver license testing route;
- (g) Suspension or denial of a license for no more than thirty days:
 - (i) For failing to display the school or instructor license or licenses, or the required minimum curriculum; or
 - (ii) For failing to satisfy the other conditions of these rules or of chapter 46.82 RCW.
- (3) The department may stay all or any portion of the period of a license revocation, suspension, or denial for causes specified in subsections (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), or (2)(g) of this section, subject to such terms and conditions as shall be deemed by the department to be appropriate.
- (4) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

[Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-180, filed 7/29/05, effective 8/29/05.]

Chapter 308-124A WAC

REAL ESTATE—LICENSING AND EXAMINATION

WAC

308-124A-460 Real estate brokers and salespersons and land development representative fees.

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after April 30, 2002, and all renewals for existing licenses with expiration date after April 30, 2002. The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	200.00
License renewal	200.00
Late renewal with penalty	226.50
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
Real estate broker - Branch office:	
Original license	\$189.50
License renewal	189.50
Late renewal with penalty	216.00
Duplicate license	26.50
Name or address change	0.00
Real estate salesperson:	
Application/examination	\$138.25
Reexamination	138.25
Original license	136.25
License renewal	136.25
Late renewal with penalty	162.75
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
The following fee shall be charged annually for land development representatives:	
Land development representative:	
Registration	26.50

[Statutory Authority: RCW 18.85.040(1), 05-12-057, § 308-124A-460, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-057, § 308-124A-460, filed 1/10/02, effective 5/1/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-460, filed 1/14/99, effective 7/1/99. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-460, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-460, filed 11/15/90, effective 12/16/90. Statutory Authority: RCW 18.85.220 and 43.24.086, 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040, 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

Chapter 308-125 WAC

REAL ESTATE APPRAISERS

WAC

308-125-200 Standards of practice.

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the 2005 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 18.140.030 (1) and (13). 05-05-097, § 308-125-200, filed 2/16/05, effective 3/19/05. Statutory Authority: RCW 18.140.030(1) and 18.235.030(1). 04-04-052, § 308-125-200, filed 1/30/04, effective 3/1/04. Statutory Authority: RCW 18.140.030 (16), (17). 03-02-040, § 308-125-200, filed 12/24/02, effective 1/24/03; 02-03-012, § 308-125-200, filed 1/4/02, effective 2/4/02. Statutory Authority: [RCW 18.140.030 (16), (17) and chapter 18.140 RCW.] 00-23-038, § 308-125-200, filed 11/9/00, effective 12/10/00. Statutory Authority: RCW 43.24.086. 00-04-057, § 308-125-200, filed 1/28/00, effective 2/28/00; 99-04-074, § 308-125-200, filed 2/2/99, effective 3/5/99; 98-17-083, § 308-125-200, filed 8/18/98, effective 9/18/98. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

Chapter 308-300 WAC CONSOLIDATED LICENSING SYSTEM

WAC

308-300-110 Issuance of master license.

WAC 308-300-110 Issuance of master license. (1) Upon compliance with WAC 308-300-160 on payment of fees, the department will issue and mail the applicant a master license incorporating all individual licenses approved at that time. Initial coverage under this chapter will be acknowledged by issuance of a master license with individual stickers affixed for each individual license issued.

An applicant may request that no master license be issued pending approval of liquor licenses and other licenses within subsection (4) in which event the department will withhold processing of all licenses until determination of liquor licenses has been made.

(2) In those instances where a license is granted by an agency upon receipt of the application and fee payment, the department, upon approval of the appropriate agency, shall issue the license upon proper receipt of those items. This subsection applies to:

(a) Department of revenue; registration, cigarette dealer license, cigarette dealer vending machine license.

(b) Secretary of state, corporate license (renewal only), corporate annual report.

(c) Department of labor and industries; registration for industrial insurance.

(d) Department of employment security; registration for unemployment insurance.

(e) Department of agriculture; nursery license, egg dealer license, seed dealer license.

(f) Department of social and health services; furniture and bedding certificate.

(g) Board of pharmacy; shopkeepers license.

(3) For each of the supplemental licenses specified below, each agency shall, within 21 days of its notification of license application by the department, inform the department of its approval or denial of the licenses sought. This subsection applies to:

(a) Department of agriculture; refrigerated locker license, pesticide dealer license, bakery and bakery distributors license.

(b) Department of labor and industries; minor work permit.

(4) Due to special investigative procedures, liquor licenses and other licenses, permits, certificates, and registrations which require lengthy investigative procedures will be handled as supplemental licenses in accordance with subsection (5). Upon approval by the appropriate agency, the license will be mailed to the licensee by the department to be affixed to the master license.

(5) The department shall be notified of reasons for delay if approval or denial of those licenses in subsection (3) has not been given in 21 days, and of reasons for delay if approval or denial of those licenses in subsection (4) has not been given within 60 days.

(6) This section shall not apply to the renewal of a license to the original licensee. In such a case individual licenses shall be issued pending approval or denial by the agencies in accordance with RCW 34.04.170 and WAC 308-300-140(1).

(7) It shall remain the responsibility of the appropriate agencies to provide the applicant with materials, information, and instructions pertinent to their periodic reports and other requirements.

[Statutory Authority: RCW 19.02.030(3). 05-05-029, § 308-300-110, filed 2/10/05, effective 3/13/05. Statutory Authority: RCW 19.02.030(6). 79-01-088 (Order 524-DOL), § 308-300-110, filed 1/3/79; Order 476-DOL, § 308-300-110, filed 12/30/77.]

Title 314 WAC LIQUOR CONTROL BOARD

Chapters

314-02

314-07

314-09

314-12

314-16

**Requirements for retail liquor licensees.
How to apply for a liquor license.
Contested liquor license applications and renewals.
General—Applicable to all licensees.
Retail licensees.**

Chapter 314-02 WAC REQUIREMENTS FOR RETAIL LIQUOR LICENSEES

WAC

314-02-010

314-02-014

314-02-015

314-02-020

314-02-025

314-02-030

314-02-033

314-02-035

314-02-045

314-02-055

Definitions.

What is a food counter, a liquor bar, and a service bar and are minors allowed in these areas?

What is a spirits, beer, and wine restaurant license?

What are the fee categories for a spirits, beer, and wine restaurant license?

What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?

Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises?

Do spirits, beer, and wine restaurants that exclude minors from the premises have to put barriers around their dedicated dining area(s)?

What are the food service requirements for a spirits, beer, and wine restaurant license?

What is a beer and/or wine restaurant license?

Can a beer and/or wine restaurant exclude minors from the dining area?

314-02-095

What is a public house license?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-02-050

What are the floor space requirements to obtain and maintain a beer and/or wine restaurant license? [Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-07-091, § 314-02-050, filed 3/15/00, effective 4/15/00.] Repealed by 05-22-022, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420.

WAC 314-02-010 Definitions. The following definitions are to clarify the purpose and intent of the rules and laws governing liquor licenses and permits. Additional definitions can be found in RCW 66.04.010.

(1) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(2) "Customer service area" means areas where food and/or liquor are normally sold and served to the public, i.e., lounges and dining areas. A banquet room is not considered a customer service area.

(3) "Dedicated dining area." In order for an area to qualify as a dedicated dining area, it must be a distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. See WAC 314-02-025 for more information.

(4) "Food counter" means a table or counter set up for the primary purpose of food service to customers who sit or stand at the counter. Any alcohol served is incidental to food service.

(5) "Game room" means an area of a business set up for the primary purpose of patrons using games or gaming devices.

(6) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

(7) "Liquor bar" means a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.

(8) "Lounge" means the portion of a restaurant used primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge (see RCW 66.44.316 for information on employees and professional musicians under twenty-one years of age).

(9) "Minor" means a person under twenty-one years of age.

(10) "Service bar" means a fixed or portable table, counter, cart, or similar work station primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-010, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-010, filed 3/15/00, effective 4/15/00.]

WAC 314-02-014 What is a food counter, a liquor bar, and a service bar and are minors allowed in these areas?

	Allowed in areas where minors are permitted?	Area where alcoholic beverages are prepared.
A food counter is a table or counter set up for the primary purpose of food service to customers who sit or stand at the counter. Any alcohol served is incidental to food service. Alcoholic beverages are not prepared at a food counter.	yes	no
A liquor bar is a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. This includes alcohol dispensers that are placed on or attached to the table or counter. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.	no	yes
A service bar is a fixed or portable table, counter, cart, or similar work station primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.	yes	yes

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-014, filed 10/24/05, effective 11/24/05.]

WAC 314-02-015 What is a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual serving for on-premises consumption;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.400 regarding patrons removing recorked wine from the premises).

(2) Per RCW 66.24.400, this license prohibits licensees from selling alcohol for off-premises consumption except for a licensee having an endorsement that allows the licensee to sell, for off-premises consumption, wine vinted and bottled in the state of Washington that has a label exclusive to the licensee's restaurant.

(3) To obtain and maintain a spirits, beer, and wine restaurant license, the restaurant must be open to the public at least five hours a day during the hours of 11:00 a.m. and 11:00 p.m., five days a week. The board may consider written requests for exceptions to this requirement due to demonstrated hardship, and may grant an exception under such

terms and conditions as the board determines are in the best interests of the public.

(4) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" is defined in RCW 66.24.410(2).

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-015, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-015, filed 3/15/00, effective 4/15/00.]

WAC 314-02-020 What are the fee categories for a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.420, the annual fee for a spirits, beer, and wine restaurant license is graduated, as follows:

Amount of customer service area dedicated to dining	Annual fee
100%	\$1,000
50 - 99%	\$1,600
Less than 50%	\$2,000

(2) In order for an area to qualify as a dedicated dining area it must be a separate and distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. Areas dedicated to live music or entertainment, such as dance floors or stages are not considered dedicated dining areas. Dedicated dining areas may not contain:

(a) Liquor bars (see definition under WAC 314-02-010(2)); or

(b) Areas dedicated to games or gaming devices.

(3) The fee for a spirits, beer, and wine restaurant license outside of an incorporated city or town will be prorated according to the calendar quarters the licensee is open for business. This proration does not apply in the case of a suspension or revocation of the license.

(4) A duplicate license is required in order to sell liquor from more than one site on your property. These sites must be located on the same property and owned by the same licensee. The following types of businesses may apply for a duplicate license:

Type of Business	Annual fee per duplicate license
Airport terminal	25% of annual license fee
Civic center (such as a convention center)	\$10
Privately owned facility open to the public	\$20

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-020, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-020, filed 3/15/00, effective 4/15/00.]

WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license? (1) The liquor control board has the responsibility to classify what licensed premises or what portions of the licensed premises are off-limits to minors. (RCW 66.44.310(2)) Minors may not purchase, possess, or consume liquor, and may not enter any areas that are classified as off-limits to minors.

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(RCW 66.44.290 and 66.44.310) The purpose of this rule is to clarify the ways in which licensees can prevent minors from consuming alcohol or entering restricted areas.

(2) Dedicated dining areas - If a spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee that allows minors chooses to have live music, Karaoke, patron dancing, live entertainment, or contests involving physical participation by patrons in the dedicated dining area after 11:00 p.m., the licensee must either:

(a) Request board approval to reclassify the dining area to a lounge for the period of time that live entertainment is conducted, thus restricting minors during that time; or

(b) Notify the board's licensing and regulation division in writing at least forty-eight hours in advance that the sale, service, and consumption of liquor will end in the dedicated dining area after 11:00 p.m.

Request or notifications may cover one event or a series of recurring events over a period of time.

(3) **Barriers** - Licensees must place barriers around game rooms and areas that are classified as off-limits to minors.

(a) The barriers must clearly separate restricted areas, and must be at least forty-two inches high.

(b) The barriers must be permanently affixed (folding or retractable doors or other barriers that are permanently affixed are acceptable). Those licensees that have been approved by the board for moveable barriers prior to the effective date of this rule may keep their moveable barriers until the licensee requests alterations to the premises or the premises change ownership.

(c) Liquor bars cannot be used as the required barriers (see definition of liquor bar in WAC 314-02-010(7)).

(d) Entrances to restricted areas may not be wider than ten feet. If a licensee has more than one entrance along one wall, the total entrance areas may not exceed ten feet.

(e) "Minor prohibited" signs, as required by WAC 314-11-060(1), must be posted at each entrance to restricted areas.

(4) If the business allows minors, the business's primary entrance must open directly into a dedicated dining area or into a neutral area, such as a lobby or foyer, that leads directly to a dedicated dining area. Minors must be able to access restrooms without passing through a lounge or other age-restricted area.

(5) **Floor plans** - When applying for a license, the applicant must provide to the board's licensing and regulation division two copies of a detailed drawing of the entire premises. The drawing must:

(a) Be drawn one foot to one-quarter-inch scale;

(b) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

(c) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-025, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-025, filed 3/15/00, effective 4/15/00.]

WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises? A spirits, beer, and wine restaurant lic-

ensee may exclude minors from the entire premises at all times or at certain times as approved by the board.

(1) To exclude minors from the entire licensed premises at all times or at certain times, the applicant or licensee must:

(a) Indicate during the liquor license application process that he/she does not wish to have minors on the entire premises at all times or at certain times indicated by the applicant or licensee; or

(b) If already licensed as a spirits, beer, and wine restaurant that allows minors, the applicant may request permission from the board's licensing and regulation division to exclude minors at all times or at certain times indicated by the applicant or licensee. See WAC 314-02-130 for instructions on requesting this approval.

(c) Spirits, beer, and wine restaurant licensees who exclude minors from the entire premises at all times or at certain times must meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(d) During the times that a spirits, beer, and wine restaurant licensee excludes minors from the entire premises, the licensee may not employ minors. (See WAC 314-11-040 for more information on employing minors.)

(2) Restaurants that have less than fifteen percent of their total customer service area dedicated to dining must exclude minors from the entire premises. The licensee must:

(a) Pay the two thousand dollars annual license fee; and

(b) Meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(3) See WAC 314-11-060(1) regarding requirements for "minors prohibited" signage.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-030, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-030, filed 3/15/00, effective 4/15/00.]

WAC 314-02-033 Do spirits, beer, and wine restaurants that exclude minors from the premises have to put barriers around their dedicated dining area(s)? Spirits, beer, and wine restaurant licensees who exclude minors from the entire premises at all times are only required to place the barriers described in WAC 314-02-025(2) around dedicated dining areas for the purpose of paying the one thousand six hundred dollar annual fee. Restaurants that do not allow minors at any time and do not wish to have barriers around their dining area(s) must pay the two thousand dollar annual license fee. (See WAC 314-02-020 for an explanation of fees.)

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-033, filed 10/24/05, effective 11/24/05.]

WAC 314-02-035 What are the food service requirements for a spirits, beer, and wine restaurant license? (1) A spirits, beer, and wine restaurant licensee must serve at least four complete meals. Per RCW 66.24.410(2), a complete meal does not include hamburgers, sandwiches, salads, or fry orders. For purposes of this title:

(a) "Complete meal" means an entree and at least one additional course.

(b) "Entree" means the main course of a meal. To qualify as one of the four required complete meals, the entree must

require the use of a dining implement to eat, and cannot consist of a hamburger, sandwich, salad, or fry order.

(2) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required under this section and RCW 66.24.410(2).

(3) The complete meals must be prepared on the restaurant premises.

(4) A chef or cook must be on duty while complete meals are offered.

(5) A menu must be available to customers that lists, at a minimum, the required complete meals.

(6) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(7) Restaurants that have one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(8) Restaurants with less than one hundred percent dedicated dining area (restaurants in the one thousand six hundred dollar or two thousand dollar fee category) must maintain complete meal service for a minimum of five hours a day during the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is served. The board may consider written requests for exceptions to this requirement due to demonstrated hardship, under such terms and conditions as the board determines are in the best interests of the public.

(a) Minimum food service, such as sandwiches, hamburgers, or fry orders, must be available outside of these hours.

(b) Snacks such as peanuts, popcorn, and chips do not qualify as minimum food service.

(9) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. If applicable, a statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-035, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-035, filed 3/15/00, effective 4/15/00.]

WAC 314-02-045 What is a beer and/or wine restaurant license? (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).	\$200
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).

Privilege	Annual fee
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010(30).

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than fifteen percent of the total customer service area, the premises must maintain a tavern license (see WAC 314-02-070 regarding the tavern license).

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-045, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-045, filed 3/15/00, effective 4/15/00.]

WAC 314-02-055 Can a beer and/or wine restaurant exclude minors from the dining area? (1) To exclude minors from the dining area during a portion of the day or week or on a one-time-only basis, the applicant or licensee must request permission from the board (see WAC 314-02-130(1)).

(2) See WAC 314-11-060(1) regarding requirements for "minors prohibited" signage.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-055, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-055, filed 3/15/00, effective 4/15/00.]

WAC 314-02-095 What is a public house license? (1) Per RCW 66.24.580, a public house licensee is allowed to:

(a) Manufacture between two hundred fifty gallons and two thousand four hundred barrels of beer on the premises per year;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).

(2) The annual fee for this license is one thousand dollars.

(3) If a public house licensee wishes to allow persons under twenty-one years of age on the premises, the licensee must meet the requirements of a beer and/or wine restaurant license, per WAC 314-02-045 and 314-02-025.

(4) Public house licensees may apply for a spirits, beer, and wine restaurant license, in order to sell spirits by the individual serving for on-premises consumption (see WAC 314-02-015).

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-095, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-095, filed 3/15/00, effective 4/15/00.]

Chapter 314-07 WAC

HOW TO APPLY FOR A LIQUOR LICENSE

WAC

314-07-005	What is the purpose of this chapter?
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314-07-040	What criminal history might prevent a liquor license applicant from receiving or keeping a liquor license?
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314-07-055	Temporary retail license.
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314-07-095	Discontinue liquor sales.
314-07-100	Death or incapacity of licensee.
314-07-110	Are liquor license fees refundable?
314-07-120	Board delegation of authority to approve liquor licenses.

WAC 314-07-005 What is the purpose of this chapter? RCW 66.24.010 states the board will only issue licenses and permits to applicants and locations that meet certain qualifications. The purpose of this chapter is to outline the qualifications and steps necessary to receive a liquor license or permit.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-005, filed 3/4/05, effective 4/4/05.]

WAC 314-07-010 Definitions. Following are definitions for the purpose of this title. Other definitions are in WAC 314-01-005 and RCW 66.08.010.

(1) "Applicant" or "liquor license applicant" means any person who is a true party of interest in a liquor license or permit application, as outlined in WAC 314-07-035.

(2) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs, advertising, etc.

(3) "Financier"—A "financier" means any person who has made or will make an investment in the licensed business of more than ten thousand dollars or of more than ten percent of the initial cash outlay needed to open the business.

(4) "Licensee" or "liquor licensee" means any entity that holds a liquor license or permit, or any person who is a true party of interest in a liquor license or permit, as outlined in WAC 314-07-035.

(5) "Public institution" means a public college or university. (See WAC 314-07-020 regarding the liquor control board notifying public institutions of liquor license applications.)

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-010, filed 3/4/05, effective 4/4/05.]

WAC 314-07-015 General information about liquor licenses. (1) When the board issues a liquor license, it should not be construed as granting a vested right in any of the privileges of the license. Rather, a person or entity must meet certain qualifications to receive a liquor license, which are continuing qualifications in order to maintain the license.

(2) A liquor license applicant may not exercise any of the privileges of a liquor license until the board approves the license application (see WAC 314-07-055 regarding temporary licenses).

(3) In approving a liquor license, the board reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a liquor license.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-015, filed 3/4/05, effective 4/4/05.]

WAC 314-07-020 Liquor license qualifications and application process. Each liquor license application is unique and investigated individually. The board may inquire and request documents regarding all matters in connection with the liquor license application. Following is a general outline of the liquor license application process.

(1) Per RCW 66.24.010, the board shall send a notice to the local authority regarding the liquor license application. The local authority has twenty days to respond with a recommendation to approve or an objection to the applicant, location, or both.

(a) The local authority may submit a written request to the board for an extension for good cause shown.

(b) If the application is within a board-recognized alcohol impact area, the board will give the local authority sixty days to comment on the liquor license application or assumption (see WAC 314-12-215(7) for more information).

(2) For an application for a new liquor license privilege, the board may require a public posting notice to be posted at the site for fourteen days.

(3) For an application for a new liquor license privilege, the board shall notify any schools, churches, or public colleges or universities within five hundred feet of the business (see RCW 66.24.010(9) for more information).

(4) The board will verify that the proposed business meets the minimum requirements for the type of license or privilege requested.

(5) The board may conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-07-040 and 314-07-045.

(6) The board may conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business, the applicants' right to the real and personal property, and to verify the true party(ies) of interest.

(7) The board may provide a briefing on liquor laws and rules.

(8) The board may conduct a final inspection of the proposed licensed business, in order to determine if the applicant has complied with all the requirements of the license or privilege requested.

(9) Per RCW 66.24.010 (2)(a), all applicants must have resided in the state of Washington for at least one month prior to issuance of a liquor license. For true parties of interest in a corporation or a limited liability company, the entity meets this residency requirement if the entity was formed in Washington or has a certificate of authority to do business in Washington.

(10) Upon failure to respond to the board licensing and regulation division's requests for information within the timeline provided, the application will be administratively closed.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-020, filed 3/4/05, effective 4/4/05.]

WAC 314-07-035 What persons or entities have to qualify for a liquor license? Per RCW 66.24.010(1), a liquor license must be issued in the name(s) of the true party(ies) of interest.

(1) **True parties of interest** - For purposes of this title, "true party of interest" means:

Type of Entity	Persons considered "true party of interest"
Sole proprietorship	Sole proprietor and spouse.
General partnership	All partners and spouses.
Limited partnership or limited liability partnership	<ul style="list-style-type: none"> All general partners and spouses; All limited partners that have more than 10% interest in the partnership and their spouses.
Limited liability company	<ul style="list-style-type: none"> All members with more than 10% interest in the LLC and spouses. (Note: In order for the liquor control board to identify the true parties of interest, we will need to know all parties that have an interest in the limited liability company or have a pending interest.) All managers and their spouses.
Privately held corporation	<ul style="list-style-type: none"> All corporate officers (or persons with equivalent title). All stockholders who hold more than 10% of the issued or outstanding stock. (Note: In order for the liquor control board to identify the true parties of interest, we will need to know all parties who have been issued or will be issued corporate stock.)
Publicly held corporation	All corporate officers (or persons with equivalent title).
Multi-level ownership structures	The liquor control board will review each entity to determine which individuals are true parties of interest according to the guidelines in this rule.
Any entity	Any person who is in receipt of, or has the right to receive, more than ten percent of the gross or net sales from the licensed business during any full or partial calendar or fiscal year. For the purposes of this chapter:

Type of Entity	Persons considered "true party of interest"
	<ul style="list-style-type: none"> ■ "Gross sales" includes the entire gross receipts from all sales and services made in, upon, or from the licensed business. ■ "Net sales" means gross sales minus cost of goods sold.

(2) For purposes of this section, "true party of interest" does not mean:

(a) A person or entity receiving reasonable payment for rent on a fixed or percentage basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(b) A person who receives a bonus as an employee, if: The employee is on a fixed wage or salary and the bonus is not more than twenty-five percent of the employee's pre-bonus annual compensation; or the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(c) A person or entity contracting with the applicant(s) to sell the property, unless the contract holder exercises control over or participates in the management of the licensed business.

(d) A person or entity receiving payment of franchise fees on a fixed or percentage basis under a bona fide franchise agreement, unless the person or entity receiving payment of franchise fees exercises control over or participates in the management of the licensed business.

(3) **Financiers**—The board may conduct a financial investigation of financiers.

(4) **Persons who exercise control of business**—The board may conduct an investigation of any person or entity who exercises any control over the applicant's business operations.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-035, filed 3/4/05, effective 4/4/05.]

WAC 314-07-040 What criminal history might prevent a liquor license applicant from receiving or keeping a liquor license? (1) When the board processes a criminal history check on an applicant, it uses a point system to determine if the person qualifies for a license. The board will not normally issue a liquor license to an applicant who has accumulated eight or more points as indicated below:

Description	Time period during which points will be assigned	Points assigned
Felony conviction	Ten years	12 points
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction	Three years	4 points
Currently under federal or state supervision for a felony conviction	n/a	8 points

Description	Time period during which points will be assigned	Points assigned
Nondisclosure of any of the above	n/a	4 points each

(2) If a case is pending for an alleged offense that would earn eight or more points, the board will hold the application for the disposition of the case. If the disposition is not settled within 90 days, the board will administratively close the application.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-040, filed 3/4/05, effective 4/4/05.]

WAC 314-07-045 What liquor law or rule violation history might prevent an applicant from receiving a liquor license? The board will conduct an investigation of all applicants' liquor law or rule administrative violation history. The board will not normally issue a liquor license to a person, or to an entity with a true party of interest, who has the following violation history; or to any person who has demonstrated a pattern of disregard for laws or rules.

Violation Type (see WAC 314-29-020 through 314-29-035)	Period of Consideration
<ul style="list-style-type: none"> ■ Three or more public safety violations, ■ Four or more conduct violations, or ■ Five or more regulatory violations. 	<ul style="list-style-type: none"> ■ Violations issued within two years of the date the application is received by the board's licensing and regulation division. ■ Violations issued within the last two years the true party(ies) of interest were licensed.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-045, filed 3/4/05, effective 4/4/05.]

WAC 314-07-055 Temporary retail license. Applicants may apply for a temporary retail liquor license in addition to an annual license for the same business. If granted, the temporary license allows the applicant to operate for a period of up to sixty days while the annual license application is being processed.

Type of Application	Qualification and process to receive a temporary retail license
(1) Existing licensed business: Applicant is applying for a license for a business that has an existing license at the location, and all of the following apply: <ul style="list-style-type: none"> • The applicant is applying for the same license privilege(s). • The current license privilege is valid and has not expired. • There are no liquor violations pending on the current license. 	In order to receive a temporary license, the applicant(s) must: <ul style="list-style-type: none"> • Fill out a form provided by the board signed by both the current licensee and the current landlord. • Pay a \$50 fee. • Turn in all documents necessary to complete the initial licensing investigation. • Clear a criminal history check, per WAC 314-07-040. • Complete a briefing on liquor laws and regulations, per WAC 314-07-020(7).

Type of Application	Qualification and process to receive a temporary retail license
(2)(a) New business or new license type: <ul style="list-style-type: none"> Applicant is applying for a license at a business location that does not hold a current, valid liquor license. Applicant is applying for a license or a business that has an existing license at the location, but the applicant is applying for a different license privilege(s). <p>or</p> (b) Existing licensed business as described in subsection (1)	<p>In order to receive a temporary license, the applicant(s) must:</p> <ul style="list-style-type: none"> Fill out a form provided by the board. Clear a criminal history check, per WAC 314-07-040. Complete a briefing on liquor laws and regulations, per WAC 314-07-020(7). The local authority and any churches, schools, or public colleges or universities within 500 feet of the proposed licensed business must have responded to the liquor control board's notice of liquor license application, or the time period must have passed. See WAC 314-07-020, subsections (1), (2), and (3) for more information. When the annual liquor license is issued, the fee will be pro-rated back to the date of issuance of the temporary license.

(3) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

(4) The privilege of having a temporary license issued upon an application for license does not apply to breweries or wineries, even though these licensees have limited distributor and retail privileges under their manufacturers' licenses.

(5) A temporary license under subsection (1) above may be issued for a nonretail distributor license applicant.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-055, filed 3/4/05, effective 4/4/05.]

WAC 314-07-065 Reasons the board may deny a liquor license application. Following is a list of reasons the board may deny a liquor license application. Per RCW 66.24.010, the board has broad discretionary authority to approve or deny a liquor license or permit application.

(1) Failure to meet qualifications or requirements for the specific liquor license or privilege, as outlined in this Title 314 WAC and Title 66 RCW.

(2) Failure to submit information or documentation requested by the board.

(3) Misrepresentation of fact by any applicant or financier.

(4) Failure to meet the criminal history standards outlined in WAC 314-07-040.

(5) Failure to meet the liquor law or rule violation history standards outlined in WAC 314-07-045.

(6) Source of funds used for the acquisition, startup and operation of the business is questionable or unverified.

(7) Objection from the local authority or from the public (see WAC 314-09-010 and RCW 66.24.010(8)). The objection must state specific reasons and facts that show issuance of the liquor license at the proposed location or to the applicant business will detrimentally impact the safety, health, or welfare of the community.

(8) Objection from the following entities if they are within 500 feet of the proposed business: A public school, a

private school that meets the requirements of chapter 28A.195 RCW, a church, or a public college or university. See WAC 314-09-010 and RCW 66.24.010(9) for more information. Note: Per RCW 66.24.010(9), the board may not issue a new liquor license if the board receives objection from a public school within 500 feet of the proposed licensed business.

(9) The board determines that the issuance of the liquor license will not be in the best interest of the welfare, health, or safety of the people of the state.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-065, filed 3/4/05, effective 4/4/05.]

WAC 314-07-070 Process if the board denies a liquor license application. If the board denies a liquor license application, the applicants may:

(1) Request an administrative hearing per chapter 34.05 RCW, the Administrative Procedure Act.

(2) Reapply for the license no sooner than one year from the original denial date.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-070, filed 3/4/05, effective 4/4/05.]

WAC 314-07-080 Ownership changes. (a) Licensees must receive prior board approval before making any of the following ownership changes (see WAC 314-07-035 for the definition of "true party of interest"):

Type of change	Type of application	Fee
Change in any of the true party(ies) of interest in a: sole proprietorship, general partnership, limited partnership, or limited liability partnership.	New application	Annual fee for current license privilege.
Change in any of the true party(ies) of interest for a publicly or privately held corporation. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.	Application for change in corporate officer and/or stockholder	\$75
Change in any of the true party(ies) of interest in a limited liability company.	Application for change of limited liability company member and/or manager	\$75

(b) The board may inquire into all matters in connection with any such sale of stock or proposed change in officers.

(c) The "proposed sale of more than ten percent of the stock" will be calculated as a cumulative total and must be reported to the board when the accumulation of stock transfers or newly issued stock totals more than ten percent of the outstanding and/or issued stock of the licensed corporation.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-080, filed 3/4/05, effective 4/4/05.]

WAC 314-07-085 Change of location. (1) Changing your liquor license to a new location requires an application, per the process outlined in WAC 314-07-015(2).

(2) Type of change of location application:

Submit a change of location application and pay a \$75 fee if:	Submit a liquor license application and pay the appropriate fee for the type of liquor license you are applying for if:
<ul style="list-style-type: none"> ■ You are not changing the type of liquor license that you have at the current location; ■ There is no change in any of the true parties of interest; and ■ Your liquor license is current. 	<ul style="list-style-type: none"> ■ You are changing the type of liquor license from what you have at the current location; ■ There is a change in any of the true parties of interest; or ■ Your liquor license is not current.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-085, filed 3/4/05, effective 4/4/05.]

WAC 314-07-090 Change of business name. (1) If you wish to change the name of your business, you must apply for a change of trade name with the department of licensing, master license service.

(2) If you wish to change your corporation or limited liability company name, you must apply for a change of name through the secretary of state.

(3) See WAC 434-12 for guidelines for trade names.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-090, filed 3/4/05, effective 4/4/05.]

WAC 314-07-095 Discontinue liquor sales. You must notify the board's enforcement and education division if you plan to stop doing business for more than thirty days, or if you plan to permanently discontinue liquor sales.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-095, filed 3/4/05, effective 4/4/05.]

WAC 314-07-100 Death or incapacity of licensee. (1) The appointed guardian, executor, administrator, receiver, trustee, or assignee must notify the board's licensing and regulation division in the event of the death, incapacity, receivership, bankruptcy, or assignment for benefit of creditors of any licensee.

(2) The board may give the appointed guardian, executor, administrator, receiver, trustee, or assignee written approval to continue liquor sales on the licensed business premises for the duration of the existing license and to renew the license when it expires.

(3) When the matter is resolved by the court, the true party(ies) of interest must apply for a liquor license for the business.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-100, filed 3/4/05, effective 4/4/05.]

WAC 314-07-110 Are liquor license fees refundable? When a license is suspended or cancelled, or the licensed business is discontinued, the unused portion of the liquor license fee will not be refunded. There are two exceptions:

(1) Per RCW 66.24.420 (1)(b), a spirits, beer, and wine restaurant that is located in an unincorporated city or town may receive a refund of the unused portion of their license fees, calculated per calendar quarter.

(2) Per RCW 66.24.015, if a liquor license application is denied or is administratively closed by the board, the application fee will be refunded less a seventy-five dollar non-refundable processing fee.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-110, filed 3/4/05, effective 4/4/05.]

WAC 314-07-120 Board delegation of authority to approve liquor licenses. Per RCW 66.24.010(2), the board may delegate to designated staff members, in writing, the authority to approve unopposed or uncontested license applications.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-07-120, filed 3/4/05, effective 4/4/05.]

Chapter 314-09 WAC

CONTESTED LIQUOR LICENSE APPLICATIONS AND RENEWALS

WAC

314-09-010

Objections to liquor license applications.

314-09-015

Objections to liquor license renewals.

WAC 314-09-010 Objections to liquor license applications. (1) **How can persons, entities, and governmental jurisdictions object to the issuance of a liquor license or permit?** Per RCW 66.24.010 (8) and (9), the board will notify certain entities of the following types of annual or special occasion liquor license or permit applications. In addition to the following entities, any person or group may comment in writing to the board regarding [a][an] application.

Type of Application	Entities the board will notify
<ul style="list-style-type: none"> • Applications for an annual license or permit at a new location that would allow the sale and/or service of alcohol beverage to the public for on-premises consumption or to-go; and • Applications to change the class of an existing annual liquor license or permit that allows the sale and/or service of alcohol beverage to the public for on-premises consumption or to-go. 	<ul style="list-style-type: none"> • Governmental jurisdictions in which the premises is located, and • Schools, churches, and public institutions within 500 feet of the premises to be licensed (as measured according to RCW 66.24.010(9)).
<ul style="list-style-type: none"> • Applications for any annual or special occasion liquor license or permit that allows the sale and/or service of alcohol beverage; and • Changes of ownership at existing licensed premises. 	<ul style="list-style-type: none"> [•] Governmental jurisdictions only.

(2) **What will happen if a person or entity objects to a liquor license application?** When deciding whether to issue or deny a liquor license application [or permit], the board will give due consideration to input from governmental jurisdictions in which the premises is located; private schools, churches, and public institutions within 500 feet of the premises (as measured according to RCW 66.24.010(9)); and

other persons or groups. Note[:] Per RCW 66.24.010(9), the board shall not issue a new [retail] liquor license if a tax-supported public elementary or secondary school within 500 feet of the premises to be licensed objects to the application (500 feet as measured according to RCW 66.24.010(9)).

(a) If the board contemplates issuing a license over the objection of a governmental jurisdiction in which the premises is located, the government subdivision may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). If the board, in its discretion, grants the governmental jurisdiction(s) an adjudicative hearing, the licensee will be notified and given the opportunity to present evidence at the hearing.

(b) If the board denies a liquor license application based on the objection from a governmental jurisdiction; a private school, church, or public institution within 500 feet of the premises (as measured according to RCW 66.24.010(9)); and/or other persons or groups, the applicant(s) may either:

(i) Reapply for the license or permit no sooner than one year from the original denial date; or

(ii) Submit a written request, within twenty days of the date of licensee's receipt [of] the denial letter, for an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).

[Statutory Authority: RCW 66.08.030 and 66.24.010. 05-07-011, § 314-09-010, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. 01-03-087, § 314-09-010, filed 1/17/01, effective 2/17/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 314-09-015 Objections to liquor license renewals. (1) How can local governmental jurisdictions object to the renewal of a liquor license?

(a) The board will give governmental jurisdictions ninety days written notice of premises that hold annual liquor licenses in that jurisdiction that are up for renewal.

(b) Per RCW 66.24.010(8), if a governmental jurisdiction wants to object to the renewal of a liquor license in its jurisdiction, it must submit a letter to the board detailing the reason(s) for the objection and a statement of all facts on which the objections are based.

[(c)] This letter must be received by the board at least thirty days before the liquor license expires. The objection must state specific reasons and facts that show issuance of the liquor license at the proposed location or to the applicant business will detrimentally impact the safety, health, or welfare of the community.

[(d)] If the objection is received within 30 days of the expiration date or the licensee has already renewed the license, the objection will be considered as a complaint and possible license revocation by the Enforcement Division.]

(e) Objections from the public will be referred to the appropriate governmental jurisdiction for action under subsection (2) below. Upon receipt of the objection, the board licensing and regulation division will acknowledge receipt of the objection(s) and forward to the appropriate governmental jurisdiction. Such jurisdiction may or may not, based on the public objection, request nonrenewal.

(2) What will happen if a governmental jurisdiction objects to the renewal of a liquor license? The board will give due consideration to a governmental jurisdiction's objection to a liquor license renewal of a premises in its jurisdiction. Based on the governmental jurisdiction's input and any information in the licensing file, the board will decide to either renew the liquor license, or to proceed with nonrenewal.

(b) Board decides to renew the liquor license:	(c) Board decides to [pursue non-renewal of] [not renew] the liquor license:
(i) The board will notify the governmental jurisdiction(s) in writing of its intent to renew the license, stating the reason for this decision. (ii) The governmental jurisdiction(s) may contest the renewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).	(i) The board will notify the licensee in writing of its intent to not renew the license, stating the reason for this decision. (ii) The licensee may contest the nonrenewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). (iii) If the licensee requests a hearing, the governmental jurisdiction[s] will be [notified]. [(vi)] (iv) During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.

[Statutory Authority: RCW 66.08.030 and 66.24.010. 05-07-011, § 314-09-015, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. 01-03-087, § 314-09-015, filed 1/17/01, effective 2/17/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 314-12 WAC

GENERAL—APPLICABLE TO ALL LICENSEES

WAC

314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-12-005 Under what conditions may the board delegate authority to approve liquor licenses as provided in RCW 66.24.010(2)? [Statutory Authority: RCW 66.08.030 and 66.24.010(2). 98-14-004, § 314-12-005, filed 6/18/98, effective 7/19/98.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.

314-12-025 Applicants for temporary licenses—Fee—Who qualifies. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-025, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-025, filed 1/4/96, effective 2/4/96. Statutory Author-

- ity: RCW 66.08.030, 93-10-070, § 314-12-025, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 66.08.030 and 1987 c 217, 87-16-002 (Order 226, Resolution No. 235), § 314-12-025, filed 7/23/87.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.
- 314-12-060 Death or incapacity of licensee. [Rule 5, filed 6/13/63.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.
- 314-12-080 Limitation on reapplications. [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-080, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030, 92-21-061, § 314-12-080, filed 10/19/92, effective 11/19/92; Rule 7, filed 6/13/63.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.
- 314-12-100 Change of name. [Statutory Authority: RCW 66.08.030, 88-04-028 (Order 236, Resolution No. 245), § 314-12-100, filed 1/27/88; Rule 9, filed 6/13/63.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.
- 314-12-110 Change of location. [Statutory Authority: RCW 66.08.030, 66.20.010 and 66.98.070, 83-23-123 (Order 133, Resolution No. 142), § 314-12-110, filed 11/23/83; Rule 10, filed 6/13/63.] Repealed by 05-07-012, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025.

WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications. (1) Where a married person is an applicant for, or holder of a license, the spouse of such applicant, if the parties are maintaining a marital community, shall be required to have the same qualifications as the applicant.

(2) The board may require, as a condition precedent to the original issuance of any annual license, fingerprinting and criminal history record information checks on any person not previously licensed by the board. In addition to the applicant, fingerprinting and criminal history record information checks may be required of the applicant's spouse. In the case of a corporation, fingerprinting and criminal history record information checks may be required of its present and any subsequent officers, manager, and stockholders who hold more than ten percent of the total issued and outstanding stock of the applicant corporation if such persons have not previously had their fingerprints recorded with the board. In the case of a partnership, fingerprinting and criminal history record information checks may be required of all general partners and their spouses. Such fingerprints as are required by the board shall be submitted on forms provided by the board to the Washington state identification section of the Washington state patrol and to the identification division of the Federal Bureau of Investigation in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted. The applicant shall give full cooperation to the board and shall assist the board in all aspects of the fingerprinting and criminal history record information check. The applicant may be required to pay a minimal fee to the agency which performs the fingerprinting and criminal history process.

(3) The restrictions on license issuance specified in RCW 66.24.010(2) shall be construed to be continuing conditions for retaining an existing license and any licensed person

who ceases to be eligible for issuance of a license under RCW 66.44.010(2) shall also cease to be eligible to hold any license already issued.

(4) The board, in considering an application for a license, may require, in addition to all other information requested concerning the proposed licensed premises (see WAC 314-12-035), that the applicant justify the issuance of the license sought based on an analysis of population trends compared to licenses in the area, any uniqueness of the proposed operation, any unusual circumstances present, plus any other information the applicant(s) may feel will justify the issuance of the license sought.

The board may, at its discretion and for good cause shown, reconsider an application denied for reasons other than objection upon receipt of new information within sixty days of the original denial date. Such reconsiderations are not considered part of the normal license application procedure and must be justified on an individual basis. Should the board determine to reconsider a denied application, notice of such reconsideration shall be given to those persons and/or entities entitled to receive notice of an original license application pursuant to RCW 66.24.010(8). Such notice shall be given at least twenty days prior to final determination on the reconsideration. Additionally, at the same time the notice is given, a press release will be issued informing the public of the impending reconsideration. The process for applications denied due to objection is outlined in chapter 314-09 WAC.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.015, and 66.24.025. 05-07-012, § 314-12-020, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150, 01-03-087, § 314-12-020, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-020, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030, 93-15-024, § 314-12-020, filed 7/12/93, effective 8/12/93. Statutory Authority: RCW 66.08.030 and 66.24.010 (2)(b). 90-24-007, § 314-12-020, filed 11/27/90, effective 12/28/90. Statutory Authority: RCW 66.08.030 and 66.08.050(2). 83-18-071 (Order 129, Resolution No. 138), § 314-12-020, filed 9/7/83; Order 58, § 314-12-020, filed 8/9/77, effective 9/12/77; Order 43, § 314-12-020, Rule 1.5, filed 11/20/75; Order 36, § 314-12-020, filed 7/2/75; Rule 1.5, filed 6/13/63.]

Chapter 314-16 WAC RETAIL LICENSEES

WAC

314-16-195

Spirits, beer and wine restaurant restricted—Qualifications.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-16-190

Spirits, beer and wine restaurant—Qualifications. [Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-12-051, § 314-16-190, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-190, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 95-16-008, § 314-16-190, filed 7/20/95, effective 8/20/95; 93-10-092, § 314-16-190, filed 5/4/93, effective 6/4/93. Statutory Authority: RCW 66.98.070, 88-07-058 (Order 240, Resolution No.

249), § 314-16-190, filed 3/15/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 85-14-107 (Order 160, Resolution No. 169), § 314-16-190, filed 7/3/85; 78-07-002 (Order 66, Resolution No. 75), § 314-16-190, filed 6/9/78; Order 55, § 314-16-190, filed 5/31/77, effective 7/1/77; Order 52, § 314-16-190, Rule 35, filed 1/18/77, effective 2/18/77.] Repealed by 05-22-022, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420.

314-16-196

Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises. [Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-12-051, § 314-16-196, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-196, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 96-03-005, § 314-16-196, filed 1/4/96, effective 2/4/96; 95-20-005, § 314-16-196, filed 9/21/95, effective 10/22/95; 93-10-092, § 314-16-196, filed 5/4/93, effective 6/4/93; 92-14-025, § 314-16-196, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030 and 66.08.080. 87-02-011 (Order 208, Resolution No. 217), § 314-16-196, filed 12/30/86. Statutory Authority: RCW 66.98.070. 86-15-066 (Order 194, Resolution No. 203), § 314-16-196, filed 7/22/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 83-13-056 (Order 125, Resolution No. 134), § 314-16-196, filed 6/15/83.] Repealed by 05-22-022, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420.

WAC 314-16-195 Spirits, beer and wine restaurant restricted—Qualifications. (1) Spirits, beer and wine restaurant restricted licensees shall govern their operations in selling liquor in accordance with the regulations set forth in Titles I and II. Such licensees may sell liquor in accordance with these regulations, only to members, invited guests, and holders of cards as authorized by subsection (3) of this section. Spirits, beer and wine restaurant restricted licensees shall not be prohibited from renting, leasing, or donating all or a portion of their facilities for, or making services available to, an activity where the public is invited or admitted under the conditions specified in subsection (4) of this section.

(2)(a) Applications for new spirits, beer and wine restaurant restricted licenses shall be on forms prescribed by the board and shall be accompanied by proof that:

(i) The business has been in operation for at least one year immediately prior to the date of its application. Such proof should include records of membership as well as an indication as to numbers and types of membership.

(ii) Membership or admission will not be denied to any person because of race, creed, color, national origin, sex or the presence of any sensory, mental or physical handicap.

(b) Applications for renewal shall be made on forms prescribed by the board and shall be accompanied by such information as the board may request.

(c) Spirits, beer and wine restaurant restricted applicants and licensees must meet the provisions of WAC 314-02-035.

(3)(a) Guest privilege cards may be issued only as follows:

(i) For spirits, beer and wine restaurant restricted licensees within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town.

(ii) For spirits, beer and wine restaurant restricted licensees outside of any city or town only to those persons residing outside an area fifteen miles from the location of such licensee: Provided, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area.

(iii) Such guest privilege cards shall be issued for a reasonable period and must be numbered serially, with a record of the issuance of each such card to be filed on the licensed premises in such a manner as to be readily accessible for inspection.

(iv) The mileage restrictions in (i) and (ii) of this subsection may be waived for special events upon written approval of the board.

(b) Guests may be introduced when accompanied at all times by a member and may remain as long as such member is present: Provided, That any such guest may only enjoy the privileges of the organization a reasonable number of times in any one calendar year.

(c) Persons who are members in good standing of a licensed spirits, beer and wine restaurant restricted organization may enjoy the privileges of any other licensed spirits, beer and wine restaurant restricted organization: Provided, That the operating rules of such organization authorize reciprocal privileges: Provided further, That (a) and (b) of this subsection shall not apply to members of such organizations while exercising reciprocal privileges.

(4) If the licensee at any time rents any portion of the premises for any purpose other than to their membership or at any time holds any function within the premises to which the public is generally invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein except for bona fide members and guests. If the premises does not have an area which can be so closed, then no liquor service whatever may be permitted during the entire time when such activity is taking place or when the public is generally admitted in the premises.

[Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-16-195, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-195, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-13-069 (Order 107, Resolution No. 116), § 314-16-195, filed 6/16/82.]

Title 315 WAC

LOTTERY COMMISSION

Chapters

315-10	Instant games—General rules.
315-33A	Quinto rules.
315-34	Lotto 6 of 49 rules.
315-38	Mega millions.

Chapter 315-10 WAC

INSTANT GAMES—GENERAL RULES

WAC

315-10-010	Instant games—Authorized—Director's authority.
315-10-020	Definitions.
315-10-022	What are the essential elements of instant game tickets?
315-10-023	What are the prizes available for instant games?
315-10-024	What are the methods of selecting winning tickets?
315-10-030	Instant games criteria.
315-10-035	How do I know if I have a winning instant game ticket?
315-10-040	Confidentiality of tickets.
315-10-055	How much time does a player have to redeem winning and/or grand prize drawing instant game tickets?
315-10-070	Ticket validation requirements.
315-10-075	How do I claim an instant game prize?

WAC 315-10-010 Instant games—Authorized—Director's authority. It is the commission's intent to provide the director broad authority in carrying out the following duties:

- (1) The commission hereby authorizes the director to select, operate, and contract relating to and for the operation of instant games meeting the criteria set forth in this chapter.
- (2) The director shall establish final instant game specifications, including the determination of winning tickets, in executed working papers or software requirement specifications. The director shall keep the portions of these documents that are subject to public disclosure available for one hundred eighty days after the end of each game for public review during normal business hours.
- (3) The director or designee shall inform commission members of instant game development.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-010, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 98-08-067, § 315-10-010, filed 3/30/98, effective 4/30/98; 97-04-047, § 315-10-010, filed 1/31/97, effective 3/3/97. Statutory Authority: 1982 2nd ex.s. c 7. 82-21-038 (Order 3), § 315-10-010, filed 10/15/82.]

WAC 315-10-020 Definitions. (1) Ticket. The ticket purchased for participation in an instant game and any ticket used in media promotions and retailer incentive programs authorized by the director for an instant game.

(2) Instant game. A game in which a ticket is purchased and the ticket bearer determines his or her winnings, if any.

(3) Ticket bearer. The person who has signed the ticket or has possession of the unsigned ticket.

(4) Play symbols. The numbers or symbols appearing in the designated areas on the front of the ticket. Play symbols were formerly called play numbers. Both terms shall have the same meaning.

(5) Your(s). The ticket bearer's play area or areas (for example, "your hand(s)," "your card(s)," or "your roll(s)").

(6) Their(s). The opponent's play area or areas (for example, "their card(s)," or "their roll(s)").

(7) Validation number. The multidigit number found on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

(8) Working papers or software requirement specifications. The documents providing production and winning ticket specifications for each instant ticket game.

(9) Scratch game. An instant game in which a ticket is purchased and, upon removal of a scratch-off coating on the front of the ticket, the ticket bearer determines his or her winning, if any.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-020, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 98-08-067, § 315-10-020, filed 3/30/98, effective 4/30/98; 97-04-047, § 315-10-020, filed 1/31/97, effective 3/3/97; 89-21-029, § 315-10-020, filed 10/10/89, effective 11/10/89; 86-01-060 (Order 83), § 315-10-020, filed 12/16/85; 84-05-008 (Order 51), § 315-10-020, filed 2/7/84. Statutory Authority: RCW 67.70.040 and 67.70.050. 83-05-029 (Order 14), § 315-10-020, filed 2/10/83. Statutory Authority: 1982 2nd ex.s. c 7. 82-21-038 (Order 3), § 315-10-020, filed 10/15/82.]

WAC 315-10-022 What are the essential elements of instant game tickets? The director shall establish in executed working papers or software requirement specifications for each instant game the specific form and location in which the following essential elements shall appear on each instant game ticket:

(1) **Play field** is generally the area that may contain play symbols, play symbol captions, prize symbols, prize symbol captions, and validation numbers;

(2) **Play spots** are the specific areas where play symbols are located;

(3) **Play symbols** are symbols, letters, or numbers appearing in each play spot of a ticket;

(4) **Play symbol captions** are small printed characters generally associated with each play symbol which may appear on the play field and correspond with and verify that play symbol. These captions spell out, in full or abbreviated form, the play symbol. There is only one play symbol caption for each play symbol, and each play symbol caption is associated with the three-digit ticket number;

(5) **Prize symbols** may be numeric or symbolic representations, printed either in a display printed prize legend or on the play field, which indicate the amount of money a player may win;

(6) **Prize symbol captions** may be small printed characters generally associated with each prize symbol appearing on the play field which correspond to and verify that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol;

(7) **Validation number** is a unique multidigit number on the ticket;

(8) **Pack-ticket number** is a number that may include the game, pack and ticket identifier;

(9) **Retailer verification code** is the code on the ticket that the lottery retailer uses to verify instant winners; and

(10) **Odds of winning** shall always appear on the back of the ticket.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-022, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 97-04-047, § 315-10-022, filed 1/31/97, effective 3/3/97.]

WAC 315-10-023 What are the prizes available for instant games? Prizes available are as set forth on the instant game ticket. Prizes may also include Win for Life prizes. Win for Life prizes will be paid in accordance with WAC 315-06-120(14) and may include prizes exceeding one million dollars.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-023, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 98-08-067, § 315-10-023, filed 3/30/98, effective 4/30/98.]

WAC 315-10-024 What are the methods of selecting winning tickets? (1) Methods for selecting winning tickets shall be as set forth on the instant game ticket and in the executed working papers or software requirement specifications. Methods for selecting winning tickets include:

(a) Higher number. Your (the player's) number is greater than their number.

(b) Match one or more. Match your play symbols to the winning play symbol(s).

(c) Bonus play. Find a bonus symbol to win a bonus prize instantly.

(d) Match two or more consecutive. Match two or more consecutive "Game Cards" within a game to the "Draw Cards" to win the corresponding amount shown on the ticket.

(e) Match two or more. Match two or more "Game Cards" within a game to the "Draw Cards" to win the corresponding amount shown on the legend on the ticket.

(f) Three like cards. Get three like cards with one hand to win the corresponding amount shown on the ticket.

(g) Grand prize drawing. Find a bonus symbol that qualifies you to enter a grand prize drawing or submit one or more nonwinning tickets to enter a grand prize drawing.

(h) Match symbols. Match a specified number of identical play symbols on a play area.

(i) Add up "yours." Add up the play symbols designated as "yours" and the total is greater than, less than or equal to the symbol or symbols designated as "theirs."

(j) Add up. Add up the play symbols and the amount is greater than or equal to the designated symbols on the ticket.

(k) Tic tac toe. Match three identical play symbols, in a row, column, or diagonal, on a grid in the play area.

(l) Sequence. Find the designated play symbols in the specified sequential order.

(m) Spellout. Find the play symbols to form the designated word or words.

(n) In between. Find the play symbol or symbols designated as "yours" with a value less than the play symbol or symbols designated as "their high value" and greater than the play symbol or symbols designated as "their low value."

(2) Each of the methods described in subsection (1) of this section may include a special variant such as "automatic win feature," "doubler," "wild card," or "free space" that provides added or alternative methods of winning.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-024, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 98-08-067, § 315-10-024, filed 3/30/98, effective 4/30/98.]

WAC 315-10-030 Instant games criteria. (1) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(2) There is no required frequency of drawing or method of selection of a winner in an instant game.

(3) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from tickets meeting the criteria stated on the ticket and in executed working papers or software requirement specifications or stated in lottery promotional materials, at the discretion of the director. Participation in the elimination drawing(s) shall be limited to such tickets that are actually received or ticket information is actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection (1) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-030, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 98-08-067, § 315-10-030, filed 3/30/98, effective 4/30/98; 97-04-047, § 315-10-030, filed 1/31/97, effective 3/3/97; 94-03-020, § 315-10-030, filed 1/7/94, effective, see WAC 315-04-180; 89-21-029, § 315-10-030, filed 10/10/89, effective 11/10/89; 88-17-024 (Order 111), § 315-10-030, filed 8/11/88; 85-22-057 (Order 81), § 315-10-030, filed 11/5/85; 85-16-031 (Order 77), § 315-10-030, filed 7/30/85; 85-09-004 (Order 72), § 315-10-030, filed 4/5/85; 84-05-008 (Order 51), § 315-10-030, filed 2/7/84; 83-16-029 (Order 30), § 315-10-030, filed 8/27/83. Statutory Authority: 1982 2nd ex.s. c 7 § 4. 83-03-034 (Order 10), § 315-10-030, filed 1/14/83. Statutory Authority: 1982 2nd ex.s. c 7. 82-21-038 (Order 3), § 315-10-030, filed 10/15/82.]

WAC 315-10-035 How do I know if I have a winning instant game ticket? Each instant ticket shall be printed with instructions clearly indicating what constitutes a winning ticket. In addition, written descriptions of winning play and prize symbol combinations shall be included in the executed working papers or software requirement specifications for the production of each game. The ticket bearer must submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number or any other means as specified in this chapter or by the director.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-035, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 97-04-047, § 315-10-035, filed 1/31/97, effective 3/3/97.]

WAC 315-10-040 Confidentiality of tickets. No lottery retailer or its employees or agents shall attempt to ascertain the retailer verification code or otherwise attempt to identify unsold winning tickets.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-040, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 86-01-060 (Order 83), § 315-10-040, filed 12/16/85. Statutory Authority: 1982 2nd ex.s. c 7. 82-21-038 (Order 3), § 315-10-040, filed 10/15/82.]

WAC 315-10-055 How much time does a player have to redeem winning and/or grand prize drawing instant game tickets? (1) A player may submit a winning ticket for prize payment up to one hundred eighty days after the official end of game or one hundred eighty days from date of purchase of a computer generated ticket.

(2) In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets or ticket information within the time limits set forth in chapter 315-06 WAC governing the conduct of that specific game.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-055, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 97-04-047, § 315-10-055, filed 1/31/97, effective 3/3/97.]

WAC 315-10-070 Ticket validation requirements. (1) To be a valid Washington state lottery instant game ticket, a ticket must meet all of the following validation requirements.

(a) The ticket must have been issued by the director in an authorized manner.

(b) The ticket must not be altered, unreadable, or tampered with in any manner.

(c) The ticket must not be counterfeit in whole or in part.

(d) The ticket must not be stolen nor appear on any list of omitted tickets on file with the lottery.

(e) The ticket must be complete and not blank or partially blank, miscut, misregistered, defective, or printed or produced in error.

(f) If play symbol and play symbol captions are present in the playfield, the ticket must have at least one play symbol and at least one play symbol caption under each play spot. Play symbols must be present in their entirety, legible, right-side up, and not reversed in any manner.

(g) The ticket must have at least one pack-ticket number or serial number, exactly one retailer verification code, and exactly one validation number. These elements must be present in their entirety, legible, and not reversed in any manner.

(h) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

(i) The ticket must pass all additional confidential validation requirements, if any, established by the director.

(2) The director may authorize reconstruction of an alleged winning ticket which was not received and/or cannot be located by the lottery; provided, that the person requesting reconstruction submits to the lottery sufficient evidence to enable reconstruction and that they have submitted a claim for the prize, if any, for that ticket. If the reconstructed ticket is a winning ticket and meets the validation requirements contained in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game, the director may authorize payment of the prize; provided, that the ticket shall not be validated nor the prize paid prior to one hundred eighty days following the official end of that instant game. A ticket(s) validated pursuant to this subsection shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(3) Any ticket not passing all the validation requirements in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game is invalid and ineligible for any prize.

(4) The director may replace any invalid ticket with an unplayed ticket of equivalent sales price from any current instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket of equivalent sales price from any current instant game, or issue a refund of the sales price. However, if the ticket is partially mutilated or if the ticket is not intact but it still can be validated by other validation tests, the director may pay the prize for that ticket.

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-070, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 97-04-047, § 315-10-070, filed 1/31/97, effective 3/3/97; 85-16-031 (Order 77), § 315-10-070, filed 7/30/85; 84-22-047 (Order 68), § 315-10-070, filed 11/7/84.]

WAC 315-10-075 How do I claim an instant game prize? Procedures for claiming instant game prizes are as follows:

(1) To claim an instant game prize of \$600.00 or less the claimant may either present the apparent winning ticket to any lottery retailer regardless of where the ticket was purchased, or may present the apparent winning ticket to the lottery by mail or in person. When a retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the lottery's terminal. The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account.

(2) In the event the retailer cannot verify the claim, the claimant shall present a claim to the lottery by mail or in person. If the claim is validated by the lottery, funds shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(3) To claim an instant prize of more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the lottery and mail or present in person the completed form together with the apparent winning ticket to the lottery. Upon validation by the director, funds shall be forwarded or presented to the claimant in payment of the amount due, less any applicable federal income tax withholding and deductions pursuant to RCW 67.70.255 and WAC 315-06-125. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(4) To claim an instant prize pursuant to WAC 315-10-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game or one hundred eighty days from purchase of a computer generated ticket. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to one hundred eighty days following the official end of that instant game or one hundred eighty days from purchase of a computer gener-

ated ticket. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(5) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

[Statutory Authority: Chapter 67.70 RCW. 05-11-049, § 315-10-075, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 97-04-047, § 315-10-075, filed 1/31/97, effective 3/3/97.]

Chapter 315-33A WAC QUINTO RULES

WAC

315-33A-010	Definitions for Quinto.
315-33A-020	Price of Quinto play.
315-33A-030	Play for Quinto.
315-33A-040	Prizes for Quinto.
315-33A-050	Ticket purchases.
315-33A-060	Drawings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

315-33A-070	Suspension/termination of Quinto. [Statutory Authority: RCW 67.70.040. 91-20-062, § 315-33A-070, filed 9/25/91, effective 10/26/91.] Repealed by 05-07-100, filed 3/18/05, effective 4/18/05. Statutory Authority: Chapter 67.70 RCW.
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WAC 315-33A-010 Definitions for Quinto. (1) Card suit: Heart, diamond, club, or spade symbol.

(2) Number: Any integer from 2 through 10 inclusive and jack, queen, king, or ace.

(3) Set: One number and one card suit, for example, ten of clubs.

(4) Play: One selection of five sets.

(5) Play slip: A mark-sensitive game card used by players of Quinto to select plays.

(6) Quinto ticket: A computer-generated receipt evidencing payment for one or more plays in the Quinto game. Tickets shall be issued by a licensed lottery retailer and shall list the five number play(s) that belong to the ticket holder.

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-010, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 92-11-033, § 315-33A-010, filed 5/15/92, effective 6/15/92; 91-20-062, § 315-33A-010, filed 9/25/91, effective 10/26/91.]

WAC 315-33A-020 Price of Quinto play. The price of each Quinto play shall be \$1.00. Each Quinto ticket shall contain at least one Quinto play.

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-020, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 92-11-033, § 315-33A-020, filed 5/15/92, effective 6/15/92; 91-20-062, § 315-33A-020, filed 9/25/91, effective 10/26/91.]

WAC 315-33A-030 Play for Quinto. (1) Type of play: Each play is a selection of five sets. A winning play is

achieved only when 2, 3, 4, or 5 of the sets selected match, in any order, the five winning sets drawn by the lottery.

(2) Method of play: A player may use a play slip to make set selections. The lottery terminal will read the play slip and issue ticket(s) with corresponding sets. A player may choose to have the set selections made by the lottery terminal, a random number generator operated by the computer, commonly referred to as "quick pick."

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-030, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 93-19-052, § 315-33A-030, filed 9/10/93, effective 10/11/93; 91-20-062, § 315-33A-030, filed 9/25/91, effective 10/26/91.]

WAC 315-33A-040 Prizes for Quinto. (1) The prize amount to be paid to each Quinto player who holds a winning combination of sets in the first prize category shall vary due to the parimutuel calculation of prizes. The prize amount to be paid to each Quinto player who holds a winning combination of sets in the second prize category shall be \$1,000.00. The prize amount to be paid to each Quinto player who holds a winning combination of sets in the third prize category shall be \$20.00. The prize amount to be paid to each Quinto player who holds a winning combination of sets in the fourth prize category shall be \$1.00.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All five winning sets in one play	First Prize	1:2,598,960
Any four but not five winning sets in one play	Second Prize: \$1,000	1:11,059
Any three but not four or five winning sets in one play	Third Prize: \$20	1:240
Any two, but not three, four or five winning sets in one play	Fourth Prize: \$1	1:16

(2) Prize amounts.

(a) First prize (cashpot). All first prizes will be the amount announced by the director as the Quinto cashpot. The cashpot will be divided equally among all players who selected all five winning sets in one play (in any sequence).

(b) Second prize. A \$1,000.00 prize is to be paid to each player who holds four of the five winning sets in one play in any sequence.

(c) Third prize. A \$20.00 prize is to be paid to each player who holds three of the five winning sets in one play in any sequence.

(d) Fourth prize. A \$1.00 prize is to be paid to each player who holds two of the five winning sets in one play in any sequence.

(e) The holder of a winning ticket may win only one prize per play in connection with the winning sets drawn and shall be entitled only to the highest prize amount won by those sets.

(f) In the event any player who holds two, three, four or five of the five winning sets does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for use, pursuant to RCW 67.70.190.

(3) Prize payments will be made in accordance with WAC 315-30-030(6). Each prize shall be paid in a single payment. Federal income tax shall be withheld from prize payments as required by law.

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-040, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 91-20-062, § 315-33A-040, filed 9/25/91, effective 10/26/91.]

WAC 315-33A-050 Ticket purchases. (1) Quinto tickets may be purchased daily in accordance with a schedule to be determined by the director. Licensed lottery retailers shall sell and redeem tickets only during their normal business hours. Quinto tickets may be purchased only from a licensed lottery retailer.

(2) Quinto tickets shall, on the front of the ticket, contain the selection of sets, amount, drawing date, ticket serial number and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information, signature area, governing statutes and rules, and the ticket stock number.

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-050, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 93-19-052, § 315-33A-050, filed 9/10/93, effective 10/11/93; 91-20-062, § 315-33A-050, filed 9/25/91, effective 10/26/91.]

WAC 315-33A-060 Drawings. (1) The Quinto drawing shall be held up to once every twenty-four hours, at the discretion of the director.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall randomly select five winning sets. The drawing method shall be tested before and after each drawing. Any drawn sets are not declared winners until the drawing is certified by the lottery. The winning sets shall be used in determining all Quinto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

[Statutory Authority: Chapter 67.70 RCW. 05-07-100, § 315-33A-060, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 67.70.040. 99-16-008, § 315-33A-060, filed 7/22/99, effective 8/22/99; 93-19-052, § 315-33A-060, filed 9/10/93, effective 10/11/93; 91-20-062, § 315-33A-060, filed 9/25/91, effective 10/26/91.]

Chapter 315-34 WAC

LOTTO 6 OF 49 RULES

WAC

315-34-010	Definitions for Lotto.
315-34-020	Price of Lotto play.
315-34-030	Play for Lotto.
315-34-040	Prizes for Lotto.
315-34-050	Ticket purchases.
315-34-057	Lotto prize claim and payment methods.
315-34-060	Drawings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

315-34-070	Double Lotto. [Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-070, filed 7/15/96, effective 8/15/96.] Repealed by 05-12-005, filed 5/18/05, effective 6/18/05. Statutory Authority: Chapter 67.70 RCW.
315-34-080	Price of Double Lotto play. [Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-080, filed 7/15/96, effective 8/15/96.] Repealed by 05-12-005, filed 5/18/05, effective 6/18/05. Statutory Authority: Chapter 67.70 RCW.
315-34-090	Prizes for Double Lotto. [Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-090, filed 7/15/96, effective 8/15/96.] Repealed by 05-12-005, filed

5/18/05, effective 6/18/05. Statutory Authority: Chapter 67.70 RCW.

315-34-100 Double Lotto ticket purchases. [Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-100, filed 7/15/96, effective 8/15/96.] Repealed by 05-12-005, filed 5/18/05, effective 6/18/05. Statutory Authority: Chapter 67.70 RCW.

WAC 315-34-010 Definitions for Lotto. (1) Number: Any play integer from 1 through 49 inclusive.

(2) Game grids: A field of 49 numbers found on the play slip.

(3) Play: One selection of six numbers.

(4) Set: Two plays.

(5) Play slip: A mark-sensitive game card used by players of Lotto to select plays.

(6) Lotto ticket: A computer-generated receipt evidencing payment for two or more plays in the Lotto game. Tickets shall be issued by a licensed lottery retailer and shall list the set of six-number plays that belong to the ticket holder.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-010, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-010, filed 7/15/96, effective 8/15/96; 92-11-033, § 315-34-010, filed 5/15/92, effective 6/15/92; 90-19-048, § 315-34-010, filed 9/14/90, effective 10/15/90.]

WAC 315-34-020 Price of Lotto play. The price of each Lotto play shall be \$.50 and shall be sold only in sets for \$1.00.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-020, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 96-15-054, § 315-34-020, filed 7/15/96, effective 8/15/96; 92-11-033, § 315-34-020, filed 5/15/92, effective 6/15/92; 90-19-048, § 315-34-020, filed 9/14/90, effective 10/15/90.]

WAC 315-34-030 Play for Lotto. (1) Type of play: A Lotto player must select six numbers in each play. A winning play is achieved only when 3, 4, 5, or 6 of the numbers selected by the player match, in any order, the six winning numbers drawn by the lottery.

(2) Method of play: The player will use play slips to make number selections. The lottery terminal will read the play slip and issue ticket(s) with corresponding plays. If a play slip is not available, the lottery retailer may enter the selected numbers via the keyboard. A player may choose to have the number selections made by the lottery terminal, a random number generator operated by the computer, commonly referred to as "quick pick."

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-030, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 90-19-048, § 315-34-030, filed 9/14/90, effective 10/15/90.]

WAC 315-34-040 Prizes for Lotto. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, third, and fourth prize categories are as follows:

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize	Jackpot	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	\$1,000	1:54,201

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
Any four but not five or six winning numbers in one play	Third Prize	\$30	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	\$3	1:57

(2) Prize amounts.

(a) First prize (jackpot). All first prizes will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

(b) Second prize. The second prize will be \$1,000, which will be paid to each player who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. The third prize will be \$30, which will be paid to each player who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(f) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-040, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 03-23-097, § 315-34-040, filed 11/17/03, effective 11/17/03; 01-17-022, § 315-34-040, filed 8/6/01, effective 9/6/01; 97-24-076, § 315-34-040, filed 12/2/97, effective 1/2/98; 96-15-054, § 315-34-040, filed 7/15/96, effective 8/15/96; 94-07-029, § 315-34-040, filed 3/8/94, effective 4/8/94; 93-03-008, § 315-34-040, filed 1/8/93, effective 2/8/93; 92-11-033, § 315-34-040, filed 5/15/92, effective 6/15/92; 92-07-014, § 315-34-040, filed 3/6/92, effective 4/6/92; 90-19-048, § 315-34-040, filed 9/14/90, effective 10/15/90.]

WAC 315-34-050 Ticket purchases. (1) Lotto tickets may be purchased daily in accordance with a schedule to be determined by the director. Licensed lottery retailers shall sell and redeem tickets only during their normal business hours. Lotto tickets may be purchased only from a licensed lottery retailer.

(2) Lotto tickets shall, on the front of the ticket, contain the player's selection of numbers, amount, game grids played, drawing date, ticket serial number and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, governing statutes and rules, and the ticket stock number.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-050, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 01-17-022, § 315-34-050, filed 8/6/01, effective 9/6/01; 97-24-076, § 315-34-050, filed 12/2/97, effective 1/2/98; 90-19-048, § 315-34-050, filed 9/14/90, effective 10/15/90.]

WAC 315-34-057 Lotto prize claim and payment methods. The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with chapter 315-30 WAC.

(2) Prize payments shall be made as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-057, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 01-17-022, § 315-34-057, filed 8/6/01, effective 9/6/01; 99-19-103, § 315-34-057, filed 9/20/99, effective 10/21/99.]

WAC 315-34-060 Drawings. (1) The Lotto drawing may be held each week on Monday, Wednesday and Saturday. Any increase in the number of drawing days shall require amendment of these rules.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall randomly select six winning numbers between 1 and 49. The drawing method shall be tested before and after each drawing. Any drawn numbers are not declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

[Statutory Authority: Chapter 67.70 RCW. 05-12-005, § 315-34-060, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 67.70.040. 90-19-048, § 315-34-060, filed 9/14/90, effective 10/15/90.]

Chapter 315-38 WAC MEGA MILLIONS

WAC

315-38-010	General description.
315-38-020	Definitions.
315-38-080	Prize structure and odds.
315-38-090	Jackpot prize payments.
315-38-100	Second through ninth level prizes.

WAC 315-38-010 General description. Mega Millions is a game conducted by the Washington state lottery, pursuant to chapter 67.70 RCW and Title 315 WAC and pursuant

to the requirements of the multistate agreement, Mega Millions official game rules, Mega Millions finance and operation procedures and Mega Millions line drawing procedures. The Mega Millions game awards prizes to ticket holders matching specified combinations of numbers randomly selected in regularly scheduled drawings. Chapter 315-38 WAC applies only to Mega Millions tickets purchased and redeemed in Washington state. Players who purchase Mega Millions tickets in other party lottery states must comply with the rules of the party lottery state in which the ticket was purchased.

[Statutory Authority: Chapter 67.70 RCW. 05-11-050, § 315-38-010, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 02-15-122, § 315-38-010, filed 7/19/02, effective 8/19/02.]

WAC 315-38-020 Definitions. Words and terms set forth below, when used herein, shall have the following meaning unless otherwise indicated:

(1) Annual/annuitized/annuity option: The manner in which the Mega Millions jackpot prize may be paid in twenty-six annual installments. In order to allow for the efficient purchase of securities, the first installment may be of a different value from the second through the twenty-sixth installment. The second through the twenty-sixth installments shall be of equal value.

(2) Authorized claim center: Any Mega Millions agent or retailer, or party lottery office, in the state where the winning official Mega Millions ticket was purchased.

(3) Cash option: The manner in which the Mega Millions jackpot prize may be paid in a single payment. The cash option amount shall be the proceeds of the sale of investments purchased to fund the particular winner's share of the annuitized jackpot prize. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(4) Claimant: Any person or entity submitting a claim form within the required time period to collect a prize for an official Mega Millions ticket. A claimant may be the purchaser, the person or entity named on a signed official Mega Millions ticket, the bearer of an unsigned official Mega Millions ticket, or any other person or entity who may seek entitlement to a Mega Millions prize payment in accordance with the Mega Millions rules and party lottery governing laws, policies and rules. No claimant may assert rights different from the rights acquired by the original purchaser at the time of purchase.

(5) Director(s): The chief officers of the party lotteries or any other persons to whom the directors' authority is lawfully delegated.

(6) Multistate agreement: The amended and restated multistate agreement regarding the Mega Millions game, or any subsequent amended agreement, signed by the party lotteries and including the Mega Millions official game rules, finance and operations procedures for Mega Millions, and on-line drawing procedures for Mega Millions.

(7) Official Mega Millions ticket: A game ticket, produced on official paper stock by a Mega Millions agent or retailer in an authorized manner, bearing player or computer selected numbers, game name, drawing date, amount of wager, and validation data.

(8) Party lottery or lotteries: One or more of the state lotteries established and operated pursuant to the laws of California, Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Texas, Virginia, Washington state or any other state lottery authorized to become a member of Mega Millions.

(9) Parimutuel: Total amount of sales allocated to pay prize claimants at the designated prize level, divided among the number of winning official Mega Millions tickets at the designated prize level.

(10) Prize fund: That portion of Mega Millions gross sales in the party lottery states set aside for the payment of prizes. The prize fund for any drawing is expected to be fifty percent of sales, but may be higher or lower based upon the number of winners at each set prize level, as well as the funding required to meet the advertised jackpot.

(11) Purchaser(s): Player(s) of Mega Millions who purchase tickets in accordance with Mega Millions rules and party lottery governing laws, policies, and rules.

(12) Quick-pick, auto-pick or easy pick: A player option in which Mega Millions number selections are determined at random by computer software.

(13) Total prize liability: For any one Mega Millions drawing, total prize liability is calculated as all lower tier prizes won, plus the total sales for that drawing multiplied by 31.8% (allocation to the jackpot prize pool). The California state lottery's sales and prizes are excluded for purposes of this calculation.

(14) Subscription/season ticket: An extended, multi-draw purchase option, which may be offered in Washington state at the discretion of the director of the Washington state lottery, wherein the same set(s) of numbers may be played for a specified number of consecutive drawings (for example, 26, 52 or 104), effective on a future date. Subscription/season tickets are distinguished from multidraw tickets which are effective for specified future drawings and are sold at the retailer level.

(15) Mega Millions agent, sales agent or retailer: A location in one of the states which are party lotteries and which is licensed or contracted and equipped by its respective state lottery to sell official Mega Millions tickets.

(16) Mega Millions panel or play area: That area of an official Mega Millions ticket identified by an alpha character and containing one field of five one-digit or two-digit player or computer selected numbers, and a second field of one one-digit or two-digit player or computer selected number.

(17) Mega Millions play/bet slip: A computer-readable form, printed and issued by each party lottery, used in purchasing an official Mega Millions ticket, with each play area consisting of two fields. The first field contains 56 areas/spaces numbered 1 through 56; the second field contains 46 areas/spaces numbered 1 through 46.

(18) Mega Millions winning numbers - Five one-digit or two-digit numbers, from 1 through 56 and one one-digit or two-digit number from 1 through 46, randomly selected at each Mega Millions drawing, which shall be used to determine winning Mega Millions plays contained on official Mega Millions tickets.

[Statutory Authority: Chapter 67.70 RCW. 05-11-050, § 315-38-020, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 02-15-122, § 315-38-020, filed 7/19/02, effective 8/19/02.]

WAC 315-38-080 Prize structure and odds. Winning number matches for the Field 1 of 5 of 56 and Field 2 of 1 of 46 shall win prizes as set forth below, based on an estimated anticipated prize fund of fifty percent of gross sales and esti-

mated percents of prize fund, as defined in WAC 315-38-020(10) and the Mega Millions multistate agreement:

PRIZE LEVEL	FIELD 1 MATCH FIVE WHITE BALLS 1-56	FIELD 2 MATCH MEGA BALL 1-46	PRIZE	ODDS (per \$1 play)	PERCENT OF PRIZE FUND
Jackpot Prize	5	1	Jackpot	1:175,711,536.00	63.60
Second	5	0	\$250,000*	1:3,904,700.80	12.80
Third	4	1	\$10,000*	1:689,064.85	2.90
Fourth	4	0	\$150*	1:15,312.55	1.96
Fifth	3	1	\$150*	1:13,781.30	2.18
Sixth	2	1	\$10	1:843.75	2.38
Seventh	3	0	\$7	1:306.25	4.58
Eighth	1	1	\$3	1:140.63	4.26
Ninth	0	1	\$2	1:74.80	5.34
Overall odds of winning: 1:40					

*Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

[Statutory Authority: Chapter 67.70 RCW. 05-11-050, § 315-38-080, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 02-15-122, § 315-38-080, filed 7/19/02, effective 8/19/02.]

WAC 315-38-090 Jackpot prize payments. (1) Prior to each drawing, the directors shall determine the estimated annuitized jackpot prize amount to be advertised. The advertised jackpot prize amount shall be the basis for determining the amount to be awarded for each Mega Millions panel matching all five of the five Mega Millions winning numbers drawn for Field 1 and the one Mega Millions winning number drawn for Field 2. No annuitized jackpot prize, when there is only one jackpot prize winning ticket, shall be less than \$12 million.

(2) If, in any Mega Millions drawing, there are no Mega Millions panels that qualify for the jackpot prize category, the portion of the prize fund allocated to such jackpot prize category shall remain in the jackpot prize category and be added to the amount allocated for the jackpot prize category in the next consecutive Mega Millions drawing.

(3) If the annuitized jackpot prize divided by the number of Mega Millions panels matching all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, is equal to or greater than \$1,000,000, the jackpot prize(s) will be paid under the annuity option unless a cash option was selected by the winner(s), as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash option payment as defined by WAC 315-38-020(3), provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date;

(iv) Cash option jackpot prizes shall be paid in a single payment in accordance with the internal validation procedures and settlement procedures pursuant to the multistate agreement and the Washington state lottery. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-six annual installment payments. The initial payment shall be paid in accordance with the internal validation procedures and settlement procedures established by the multistate agreement and the Washington state lottery. The subsequent twenty-five payments shall be paid annually to coincide with the month of the federal auction date at which the bonds were purchased. All such payments shall be made within seven days of the anniversary of the actual auction date. This date of payment of the subsequent payments is subject to the discretion of the director of the Washington state lottery, acting in the best interest of the lottery.

(4) In the event multiple Mega Millions panels match all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, and the annuitized Mega Millions jackpot prize divided by the number of winning game panels is less than \$1,000,000, each Mega Millions jackpot prize winner shall be paid an amount equal to the "cash equivalent grand/jackpot prize," as defined by the multistate agreement, divided equally by the number of jackpot prize winners. Each such jackpot prize winner will be paid in a single cash payment.

[Statutory Authority: Chapter 67.70 RCW. 05-11-050, § 315-38-090, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 02-15-122, § 315-38-090, filed 7/19/02, effective 8/19/02.]

WAC 315-38-100 Second through ninth level prizes.

(1) Mega Millions panels matching five of the five Mega Millions winning numbers drawn for Field 1, but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a second prize of \$250,000 subject to subsection (5) of this section.

(2) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a third prize of \$10,000 subject to subsection (5) of this section.

(3) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fourth prize of \$150 subject to subsection (5) of this section.

(4) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fifth prize of \$150 subject to subsection (5) of this section.

(5) Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine. The California state lottery's sales and prizes are excluded for purposes of the liability cap calculation.

(6) Mega Millions panels matching two of the five Mega Millions winning numbers drawn for Field 1 and matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a sixth prize of \$10.

(7) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 but not the Mega Millions winning number drawn for Field 2 shall be entitled to receive a seventh prize of \$7.

(8) Mega Millions panels matching one of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive an eighth prize of \$3.

(9) Mega Millions panels matching no numbers of the five Mega Millions winning numbers drawn for Field 1 but matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a ninth prize of \$2.

(10) Each Mega Millions second through ninth prize shall be paid in one payment.

[Statutory Authority: Chapter 67.70 RCW. 05-11-050, § 315-38-100, filed 5/13/05, effective 6/13/05. Statutory Authority: RCW 67.70.040. 02-15-122, § 315-38-100, filed 7/19/02, effective 8/19/02.]

Title 332 WAC

NATURAL RESOURCES, BOARD AND DEPARTMENT OF

Chapters**332-30****Aquatic land management.****332-120****Survey monuments—Removal or destruction.****332-130****Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.****Chapter 332-30 WAC****AQUATIC LAND MANAGEMENT****WAC**

332-30-123

Aquatic land use rentals for water-dependent uses.

332-30-128

Rent review.

WAC 332-30-123 Aquatic land use rentals for water-dependent uses. All requirements in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). The annual rental for water-dependent use leases of state-owned aquatic land shall be: The per unit assessed value of the upland tax parcel, exclusive of improvements, multiplied by the units of lease area multiplied by thirty percent multiplied by the real rate of return. Expressed as a formula, it is: $UV \times LA \times .30 \times r = AR$. Each of the letter variables in this formula have specific criteria for their use as described below. This step by step presentation covers the typical situations within each section first, followed by alternatives for more unique situations.

(1) Overall considerations.

(a) Criteria for use of formula. The formula:

(i) Shall be applied to all leases for water-dependent uses, except as otherwise provided by statute;

(ii) Shall not be used for areas of filled state-owned aquatic lands having upland characteristics where the department can charge rent for such fills (see WAC 332-30-125), renewable and nonrenewable resource uses, or areas meeting criteria for public use (see WAC 332-30-130); and

(iii) Shall cease being used for leases intended for water-dependent uses when the lease area is not actively developed for such purposes as specified in the lease contract. Rental in such situations shall be determined under the appropriate section of this chapter.

(b) Criteria for applicability to leases. The formula shall be used to calculate rentals for:

(i) All new leases and all pending applications to lease or release as of October 1, 1984;

(ii) All existing leases, where the lease allows calculation of total rent by the appropriate department methods in effect at the time of rental adjustment. Leases in this category previously affected by legislated rental increase limits, shall have the formula applied on the first lease anniversary date

after September 30, 1984. Other conditions of these leases not related to rent shall continue until termination or amendment as specified by the lease contract. Leases in this category not previously affected by legislated rental increase limits and scheduled for a rent adjustment after October 1, 1985, shall have the option of retaining the current rent or electing to pay the formula rent under the same conditions as specified in (iii) of this subsection.

(iii) Leases containing specific rent adjustment procedures or schedules shall have the rent determined by the formula when requested by the lessee. Holders of such leases shall be notified prior to their lease anniversary date of both the lease contract rent and formula rent. A selection of the formula rent by the lessee shall require an amendment to the lease which shall include all applicable aquatic land laws and implementing regulations.

(2) Physical criteria of upland tax parcels.

(a) The upland tax parcel used shall be used in conjunction with the leased area and have some portion with upland characteristics. The upland tax parcel shall be waterfront, except that if the waterfront parcel's assessed value is inconsistent with the purposes of the lease as described in subsection (3) of this section, and there is a landward parcel also used in conjunction with the leased area that meets all the criteria in this subsection (2) and is consistent with the purposes of the lease as described in subsection (3) of this section, then such landward parcel shall be used. If no upland tax parcel meets these criteria, then an alternative shall be selected under the criteria of subsection (4) of this section. For the purposes of this section, "upland characteristics" means fill or other improvements or alterations that allow for development of the property as if it were uplands and that have been valued by the county assessor as uplands.

(b) For leases without a physical connection with upland property (for example, open water moorage and anchorage areas, or mitigation or conservation sites not abutting the shoreline), the upland tax parcel used shall:

(i) If the lease is associated with a local upland facility, be an appropriate parcel at the facility; or

(ii) If the lease is of the same use class within the water-dependent category (as listed in subsection (4) of this section) as at least one other lease within the county that is associated with a local upland facility, be an appropriate parcel at the nearest such facility; or

(iii) If there is no such local upland facility, be an alternative parcel selected under the criteria of subsection (4) of this section.

(c) Priority of selection. If more than one upland tax parcel meets the physical criteria, the priority of selection shall be:

(i) The parcel that is structurally connected to the lease area;

(ii) The parcel that abuts the lease area;

(iii) The parcel closest in distance to the lease area.

If more than one upland tax parcel remains after this selection priority, then each upland tax parcel will be used for its portion of the lease area. If there is mutual agreement with the lessee, a single upland tax parcel may be used for the entire lease area. When the unit value of the upland tax parcels are equal, only one upland tax parcel shall be used for the lease area.

(d) The unit value of the upland tax parcel shall be expressed in terms of dollars per square foot or dollars per acre, by dividing the assessed value of the upland tax parcel by the number of square feet or acres in the upland tax parcel. This procedure shall be used in all cases even if the value attributable to the upland tax parcel was assessed using some other unit of value, e.g., front footage, or lot value. Only the "land value" category of the assessment record shall be used; not any assessment record category related to improvements.

(3) **Consistent assessment.** In addition to the criteria in subsection (2) of this section, the upland tax parcel's assessed value must be consistent with the purposes of the lease. On this basis, the following situations are examples, but are not an exclusive list, of what the department will consider inconsistent and shall either require adjustment as specified, or selection of an alternative upland tax parcel under subsection (4) of this section:

(a) The upland tax parcel is not assessed. (See chapter 84.36 RCW Exemptions);

(b) Official date of assessment is more than four years old. (See RCW 84.41.030);

(c) The "assessment" results from a special tax classification or other adjustment by the county assessor not reflecting fair market value as developable upland property. Examples include classifications under: State-regulated utilities (chapter 84.12 RCW), Reforestation lands (chapter 84.28 RCW), Timber and forest lands (chapter 84.33 RCW), and Open space (chapter 84.34 RCW). This inconsistency may be corrected by substituting the fair market value for the parcel if such value is part of the assessment records;

(d) If the assessed valuation of the upland tax parcel to be used is under appeal as a matter of record before any county or state agency, the valuation on the assessor's records shall be used, however, any changes in valuation resulting from such appeal will result in an equitable adjustment of future rental;

(e) The majority of the upland tax parcel area is not used in conjunction with a water-dependent use. This inconsistency may be corrected by using the value and area of the portion of the upland tax parcel that is used in conjunction with water-dependent use if this portion can be segregated from the assessment records; and

(f) The size of the upland tax parcel in acres or square feet is not known or its small size results in a nominal valuation, e.g., unbuildable lot; and

(g) The assessed value reflects the presence of contamination on the uplands, when the contamination on the uplands does not impair the use of the leasehold. This inconsistency may be corrected by substituting the full value for the upland parcel as if there were no contamination, if such value is part of the assessment records.

(4) **Selection of the nearest comparable upland tax parcel.** When the upland tax parcel does not meet the physical criteria or has an inconsistent assessment that can't be corrected from the assessment records, an alternative upland tax parcel shall be selected which meets the criteria. The nearest upland tax parcel shall be determined by measurement along the shoreline from the inconsistent upland tax parcel.

(a) The alternative upland tax parcel shall be located by order of selection priority:

(i) Within the same city as the lease area, and if not applicable or found;

(ii) Within the same county and water body as the lease area, and if not found;

(iii) Within the same county on similar bodies of water, and if not found;

(iv) Within the state.

(b) Within each locational priority of (a) of this subsection, the priority for a comparable upland tax parcel shall be:

(i) The same use class within the water-dependent category as the lease area use. For the purposes of this section, some examples of use classes include:

(A) Marinas and recreational moorage, including recreational boat launches and local upland facilities for open water moorage;

(B) Industrial and commercial shipping terminals and moorage;

(C) Conservation and natural resource protection areas;

(D) Mitigation sites; and

(E) For water-oriented floating homes, the same use class means any floating home;

(ii) Any water-dependent use within the same upland zoning;

(iii) Any water-dependent use; and

(iv) Any water-oriented use.

(5) **Aquatic land lease area.** The area under lease shall be expressed in square feet or acres.

(a) Where more than one use class separately exist on a lease area, the formula shall only be applied to the water-dependent use area. Other use areas of the lease shall be treated according to the regulations for the specific use.

(b) If a water-dependent and a nonwater-dependent use exist on the same portion of the lease, the rent for such portion shall be negotiated taking into account the proportion of the improvements each use occupies.

(6) **Real rate of return.**

(a) Until July 1, 1989, the real rate of return to be used in the formula shall be five percent.

(b) On July 1, 1989, and on each July 1 thereafter the department shall calculate the real rate of return for that fiscal year under the following limitations:

(i) It shall not change by more than one percentage point from the rate in effect for the previous fiscal year; and

(ii) It shall not be greater than seven percent nor less than three percent.

(7) **Annual inflation adjustment of rent.** The department shall use the inflation rate on a fiscal year basis e.g., the inflation rate for calendar year 1984 shall be used during the period July 1, 1985 through June 30, 1986. The rate will be published in a newspaper of record. Adjustment to the annual rent of a lease shall occur on the anniversary date of the lease except when the rent is redetermined under subsection (9) of this section. The inflation adjustment each year is the inflation rate times the previous year's rent except in cases of stairstepping.

(8) **Stairstepping rental changes.**

(a) Initial increases for leases in effect on October 1, 1984. If the application of the formula results in an increase of more than one hundred dollars and more than thirty-three percent, stairstepping to the formula rent shall occur over the first three years in amounts equal to thirty-three percent of the

difference between each year's inflation adjusted formula rent and the previous rent.

Example

Previous rent = \$100.00 Formula rent = \$403.00 Inflation = 5%/yr.

Yr.	Formula Rent	Previous Rent	Difference	33%	Stairstep Rent
1	\$403.00	\$100.00	\$303.00	\$100.00	\$200.00
2	423.15	100.00	323.15	106.64	306.64
3	444.31	100.00	344.31	113.62	420.26
4	466.52	-	-	-	466.52

(b) Initial decreases for leases in effect on October 1, 1984. If the application of the formula results in a decrease of more than thirty-three percent, stairstepping to the formula rent shall occur over the first three years in amounts equal to thirty-three percent of the difference between the previous rent and each year's inflation adjusted formula rent.

Example

Previous rent = \$403.00 Formula rent = \$100.00 Inflation = 5%/yr.

Yr.	Previous Rent	Formula Rent	Difference	33%	Stairstep Rent
1	\$403.00	\$100.00	\$303.00	\$100.00	\$303.00
2	403.00	105.00	298.00	98.34	204.66
3	403.00	110.25	292.75	96.61	108.05
4	-	115.76	-	-	115.76

(c) If a lease in effect on October 1, 1984, contains more than one water-dependent or water-oriented use and the rental calculations for each such use (e.g., log booming and log storage) result in different rentals per unit of lease area, the total of the rents for those portions of the lease area shall be used to determine if the stairstepping provisions of (a) or (b) of this subsection apply to the lease.

(d) If a lease in effect on October 1, 1984, contains a nonwater-dependent use in addition to a water-dependent or oriented use, the stairstepping provisions of (a) or (b) of this subsection:

(i) Shall apply to the water-dependent use area if it exists separately (see subsection (5)(a) of this section);

(ii) Shall not apply to any portion of the lease area jointly occupied by a water-dependent and nonwater-dependent use (see subsection (5)(b) of this section).

(e) Subsequent increases. After completion of any initial stairstepping under (a) and (b) of this subsection due to the first application of the formula, the rent for any lease or portion thereof calculated by the formula shall not increase by more than fifty percent per unit area from the previous year's per unit area rent.

(f) All initial stairstepping of rentals shall only occur during the term of existing leases.

(9) The annual rental shall be redetermined by the formula every four years or as provided by the existing lease language. If an existing lease calls for redetermination of rental during an initial stairstepping period, it shall be determined on the scheduled date and applied (with inflation adjustments) at the end of the initial stairstep period.

[Statutory Authority: RCW 79.90.540. 05-23-033, § 332-30-123, filed 11/8/05, effective 12/9/05. Statutory Authority: 1984 c 221 and RCW 79.90.540. 84-23-014 (Resolution No. 470), § 332-30-123, filed 11/9/84.]

WAC 332-30-128 Rent review. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) **Eligibility to request review.** Any lessee or applicant to lease or release state-owned aquatic lands may request review of any rent proposed to be charged by the department.

(2) **Dispute officers.** The manager of the marine lands division will be the rental dispute officer (RDO). The supervisor of the department, or his designee, will be the rental dispute appeals officer (RDAO).

(3) **Submittals.** A request for review of the rent (an original and two copies) shall be submitted within thirty days of notification by the department of the rent due from the lessee/applicant. The request for review shall contain sufficient information for the officers to make a decision on the appropriateness of the rent initially determined by the department. The burden of proof for showing that the rent is incorrect shall rest with the lessee/applicant.

(4) **Rental due.** The request for review shall be accompanied by one year's rent payment based on the preceding year's rate, or a portion thereof as determined by RCW 79.90.530; or based on the rate proposed by the department, or a portion thereof as determined by RCW 79.90.530, whichever is less. The applicant shall pay any additional rent or be entitled to a refund, with interest, within thirty days after completion of the review process provided in this section.

(5) **Contents of request.** The request for review shall state what the lessee/applicant believes the rent should be and shall contain, at the minimum, all necessary documentation to justify the lessee/applicant's position. This information shall include but not be limited to:

(a) **Rationale.** Why the rent established by the department is inappropriate. The supporting documentation for nonwater-dependent leases may include appraisals by professionally accredited appraisers.

(b) **Lease information.** A description of state-owned aquatic land under lease which shall include, but not be limited to:

- (i) Lease or application number;
- (ii) Map showing location of lease or proposed lease;
- (iii) Legal description of lease area including area of lease;
- (iv) The permitted or intended use on the leasehold; and
- (v) The actual or current use on the leasehold premises.

(c) **Substitute upland parcel.** A lessee/applicant whose lease rent is determined according to RCW 79.90.480 (water-dependent leases) and who disputes the choice of the upland parcel as provided by WAC 332-30-123, shall indicate the upland parcel that should be substituted in the rental determination and shall provide the following information on the parcel:

- (i) The county parcel number;
- (ii) Its assessed value;
- (iii) Its area in square feet or acres;
- (iv) A map showing the location of the parcel; and
- (v) A statement indicating the land use on the parcel and justifying why the parcel should be substituted.

(6) **RDO review.**

(a) The RDO shall evaluate the request for review within fifteen days of filing to determine if any further support materials are needed from the lessee/applicant or the department.

(b) The lessee/applicant or the department shall provide any needed materials to the RDO within thirty days of receiving a request from the RDO.

(c) The RDO may, at any time during the review, order a conference between the lessee/applicant and department staff to try to settle the rent dispute.

(d) The RDO shall issue a decision within sixty days of filing of the request. Such decision shall contain findings of fact for the decision. If a decision cannot be issued within that time, the lessee/applicant's request will automatically be granted and the rent proposed by the lessee/applicant will be the rent for the lease until the next rent revaluation; provided that, the RDO may extend the review period for one sixty-day period.

(7) **RDAO review.**

(a) The lessee/applicant may submit a petition within thirty days to the rental dispute appeals officer (RDAO) for review of that decision.

(b) If the RDAO declines to review the petition on the decision of the RDO, the RDO's decision shall be the final decision of the RDAO.

(c) If the RDAO consents to review the decision, the review may only consider the factual record before the RDO and the written findings and decision of the RDO. The RDAO shall issue a decision on the petition containing written findings within sixty days of the filing of the petition. The RDAO may extend the review period for one sixty-day period. This decision shall be the RDAO's final decision.

(8) **Board review.**

(a) The lessee/applicant may submit a petition within thirty days to the board of natural resources (board) for review of the RDAO decision.

(b) If the board declines to review the petition, the RDAO decision shall be the final decision of the board.

(c) If the board decides to review the petition, the department and the lessee/applicant shall present written statements on the final decision of the RDAO within thirty days of the decision to review. The board may request oral statements from the lessee/applicant or the department if the board decides a decision cannot be made solely on the written statements.

(d) The board shall issue a decision on the petition within ninety days of the filing of the written statements by the lessee/applicant and the department.

[Statutory Authority: RCW 79.90.520, 06-01-075 (Resolution No. 1186), § 332-30-128, filed 12/20/05, effective 1/20/06. Statutory Authority: RCW 79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475, 79.90.520, 79.68.010, 79.68.68 [79.68.080], and chapter 79.93 RCW. 85-22-066 (Resolution No. 500), § 332-30-128, filed 11/5/85.]

Chapter 332-120 WAC SURVEY MONUMENTS—REMOVAL OR DESTRUCTION

WAC

332-120-040

Monument removal or destruction.

WAC 332-120-040 Monument removal or destruction. (1) All land boundary survey monuments that are removed or destroyed shall be replaced or witness monuments shall be set to perpetuate the survey point.

(2) A land boundary survey corner shall be referenced to the Washington Coordinate System of 1983, prior to removal or destruction. See WAC 332-130-070(2), land boundary survey standards.

An applicant may request a variance from this referencing requirement by so noting in the applicant information section on the permit and providing the justification on the back of the form. The department shall note whether the variance is approved or not approved and shall provide the reason for not approving the request.

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-120-040, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(8). 94-06-034 (Order 617), § 332-120-040, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-040, filed 3/1/72, effective 4/7/72.]

Chapter 332-130 WAC

MINIMUM STANDARDS FOR LAND BOUNDARY SURVEYS AND GEODETIC CONTROL SURVEYS AND GUIDELINES FOR THE PREPARATION OF LAND DESCRIPTIONS

WAC

332-130-020	Definitions.
332-130-060	Local geodetic control survey standards.
332-130-070	Land boundary survey standards.

WAC 332-130-020 Definitions. The following definitions shall apply to this chapter:

(1) **Local geodetic control surveys:** Surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, also known as the National Spatial Reference System (NSRS), but not submitted to the National Geodetic Survey for inclusion in the NSRS.

(2) **GLO and BLM:** The General Land Office and its successor, the Bureau of Land Management.

(3) **Land boundary surveys:** All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the vertical or horizontal boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) **Land corner record:** The record of corner information form as prescribed by the department of natural resources in WAC 332-130-025.

(5) **Land description:** A description of real property or of rights associated with real property.

(6) **Land surveyor:** Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

(7) **NAD83:** North American Datum of 1983 as designated by chapter 58.20 RCW.

(8) **Parcel:** A part or portion of real property including but not limited to GLO and BLM segregations, easements, rights of way, aliquot parts of sections or tracts.

(9) **Survey Recording Act:** The law as established and designated in chapter 58.09 RCW.

(10) **Washington coordinate system:** The system of plane coordinates as established and designated by chapter 58.20 RCW.

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-020, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.09.050 and 58.24.040(1). 92-03-007 (Order 597), § 332-130-020, filed 1/3/92, effective 2/3/92. Statutory Authority: RCW 58.24.040(1). 91-19-013 (Order 581), § 332-130-020, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-020, filed 5/11/89; Order 275, § 332-130-020, filed 5/2/77.]

WAC 332-130-060 Local geodetic control survey standards. The following standards shall apply to local geodetic control surveys:

The datum for the horizontal control network in Washington shall be NAD83 as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum tag and coordinate epoch date (if pertinent) shall be reported on all documents prepared, which show local geodetic control; e.g., NAD83 (1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future [standards].

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-060, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(1). 91-19-013 (Order 581), § 332-130-060, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-060, filed 5/11/89; Order 275, § 332-130-060, filed 5/2/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 332-130-070 Land boundary survey standards. The following standards shall apply to land boundary surveys:

(1) The accuracy or precision of field work may be determined and reported by either relative accuracy procedures or field traverse standards, provided that the final result shall meet or exceed the standards contained in WAC 332-130-090.

(2) The datum when using the Washington Coordinate System shall be NAD83 as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum tag and the coordinate epoch date (if pertinent) shall be reported on all documents prepared which reference the Washington Coordinate System, e.g., NAD83 (1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future standards.

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-070, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(1). 90-06-028 (Order 568), § 332-130-070, filed 3/1/90, effective 4/1/90; 89-11-028 (Order 561), § 332-130-070, filed 5/11/89; Order 275, § 332-130-070, filed 5/2/77.]

Title 352 WAC

PARKS AND RECREATION COMMISSION

Chapters 352-20

Use of motor driven vehicles in state parks—Parking restrictions—Violations.

352-28	Tree, plant and fungi cutting, removal and/or disposal.
352-32	Public use of state park areas.
352-37	Ocean beaches.
352-78	Boating safety education program.

Chapter 352-20 WAC

USE OF MOTOR DRIVEN VEHICLES IN STATE PARKS—PARKING RESTRICTIONS—VIOLATIONS

WAC

352-20-005	Definitions.
352-20-010	Stopping, standing or parking prohibited in specified areas.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-20-060	Definitions. [Order 9, § 352-20-060, filed 11/24/70.] Repealed by 05-24-030, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610.
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WAC 352-20-005 Definitions. Whenever used in this chapter, the following terms shall be defined as indicated herein:

(1) "Motor vehicle" shall mean any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motorbikes, motor scooters, jeeps, or similar type 4-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways.

(2) "Trail" shall mean any path or track designed for use of pedestrians or equestrians and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so as to permit its use by standard passenger automobiles; or any other right of way specifically designated and posted for nonvehicular use.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-20-005, filed 11/30/05, effective 12/31/05.]

WAC 352-20-010 Stopping, standing or parking prohibited in specified areas. (1) No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any state park area, except where the operator obtains and properly displays the required state parks' permit and the vehicle is parked either in a designated parking area, or in another area with the permission of a ranger.

(2) No person shall park, leave standing, or abandon a vehicle in any state park area after closing time, except when camping in a designated area, or with permission from the ranger.

(3) No person shall park, leave standing, or abandon a vehicle being used for commercial purposes in any state park area without written permission from the ranger.

(4) Any vehicle found parked in violation of subsection (1), (2), or (3) of this section may be towed away at the owner's or operator's expense.

(5) In any infraction involving stopping, standing or parking of vehicles, proof that the particular vehicle described in the notice of infraction was stopping, standing or

parking in violation of any such provision of this section together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which the violation occurred.

(6) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-20-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-20-010, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-010, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 90-07-062, § 352-20-010, filed 3/20/90, effective 4/20/90; Order 9, § 352-20-010, filed 11/24/70; Rule filed 8/24/67.]

Chapter 352-28 WAC

TREE, PLANT AND FUNGI CUTTING, REMOVAL AND/OR DISPOSAL

WAC

352-28-010	Cutting and removal criteria.
352-28-030	Harvest of edibles.

WAC 352-28-010 Cutting and removal criteria. (1) Significant trees:

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural area, natural forest area or a natural area preserve shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of fish and wildlife and the department of natural resources Washington natural heritage program, the preparation of a mitigation plan for affected resources, and a public hearing on each such proposed cutting or removal conducted in the county/counties in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the county/counties in which the park is located. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

(2) **Protected species:** The cutting or removal of trees, other plants, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this section, follow requirements of the department of fish and wildlife for animals and of the department of natural resources for plants and be approved only by the director after consultation with those agencies, and the preparation of a mitigation plan for affected species.

(3) **Land classification criteria:** Trees or other plants may be cut and/or removed from the areas listed below for the following reasons only:

(a) Natural area preserves:

(i) Maintenance or construction of service roads, boundary fences, or trails, or modification of conditions only as may be required to maintain a native plant community, species population, or ecological process as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of fire lanes for abatement of fires.

(b) Natural areas and natural forest areas:

(i) Maintenance or construction of trails, trail structures, trail head facilities, interpretive sites, or service roads.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of service roads for abatement of fires.

(vi) Modification of conditions only as may be required to maintain or restore a native plant community, species population, or ecological process.

(c) Recreation areas, resource recreation areas, and heritage areas:

(i) Area clearing necessary for park maintenance, and/or park development projects for day use and overnight recreation facilities, road and utility easements, and administrative facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural or historical setting, or to improve wildlife habitat.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs, and understory and overstory trees to provide screening, wind, and sun protection.

(vii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(viii) Prevent the deterioration or loss of historical/cultural resources.

(ix) Maintenance or construction of service roads for abatement of fires.

(x) Modification of conditions to maintain or restore a desired plant community, species population, or ecological process.

(xi) Grazing, hay removal, or other similar activities when performed under authority of a permit from the commission or director.

(4) **Hazard tree review:** At least two persons, one being a qualified professional in forestry or arboriculture, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

(5) **Tree cutting and removal operations:** Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

(6) **Use of fallen trees:** Except where they may create safety hazards and/or interfere with the normal operation of a park, fallen trees shall be left on the ground when deemed environmentally beneficial or used for park purposes such as, but not limited to, approved building projects, trail mulching, and firewood. In natural forest areas and natural areas first consideration shall be given to leaving trees on the ground for natural purposes.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.-070, and 79A.05.075. 05-17-105, § 352-28-010, filed 8/16/05, effective 9/16/05. Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-28-010, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040. 94-10-012, § 352-28-010, filed 4/25/94, effective 5/26/94. Statutory Authority:

RCW 43.51.040 and 43.51.045, 84-08-017 (Resolution No. 76), § 352-28-010, filed 3/27/84; Order 7, § 352-28-010, filed 4/1/70.]

WAC 352-28-030 Harvest of edibles. Nonmarine edible plants and edible fruiting bodies, including mushrooms, shall be managed by the agency in accordance with WAC 352-28-010. The commercial harvest of edibles is not allowed on park lands. The harvest of edibles for personal consumption, or scientific or educational projects, is subject to the following conditions:

(1) Personal consumption: The recreational harvest, possession, or transport of edible plants and edible fruiting bodies including, but not limited to, mushrooms, berries, and nuts, is allowed up to an amount of two gallons per person per day, unless otherwise posted at the park. The harvest amount may be comprised of one or more species. The harvest may occur within the following park classification areas: Recreation, resource recreation, natural, natural forest, heritage, or in parks not yet classified. No harvest of edible plants or edible fruiting bodies, including mushrooms, is allowed within a natural area preserve. This rule is not intended to limit federally reserved tribal rights, including treaty rights.

(2) Scientific or educational projects: The harvest of edible plants and/or edible fruiting bodies, including mushrooms, for scientific or educational projects is subject to the prior written approval of the director or designee. The approval shall specify a harvest amount not to exceed the minimum quantity necessary for the purposes of the project. The harvest may occur within all park classification areas.

(3) Harvest techniques that involve raking or other techniques that have the potential to degrade park natural or cultural resources are prohibited.

(4) The director or designee may close, temporarily close, or condition public access to certain park areas for recreational harvesting of edibles upon finding that the activity degrades or threatens to degrade the park's natural or cultural resources, or to protect public health, safety, and welfare. Such closure shall be posted at the entrance to the park area affected and at the park office.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.075. 05-17-105, § 352-28-030, filed 8/16/05, effective 9/16/05.]

Chapter 352-32 WAC

PUBLIC USE OF STATE PARK AREAS

WAC

352-32-010	Definitions.
352-32-130	Aircraft.
352-32-180	Sanitation.
352-32-251	Limited income senior citizen, disability, and disabled veteran passes.
352-32-290	Wood debris collection.

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic

activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Campfires" shall mean any open flame from a wood source.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons not to exceed eight) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbeques and charcoal.

"Fish" shall mean all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

"Group" shall mean twenty or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that

more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(1) Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(2) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Seaweed" shall mean all species of marine algae and flowering sea grasses.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-

16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle" shall include every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. For the purposes of this chapter, this definition excludes bicycles, wheelchairs, motorized foot scooters, electric personal assistive mobility devices (EPAMDs), snowmobiles and other nonlicensed vehicles.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

"Wood debris" shall mean down and dead tree material.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-010, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 02-19-069, § 352-32-010, filed 9/13/02, effective 10/14/02. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-010, filed 6/16/00, effective 7/17/00. Statutory Authority: Chapter 79A.05 RCW and RCW 79A.05.070. 00-01-201, § 352-32-010, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-010, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-010, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300. 97-21-133, § 352-32-010, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-010, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-010, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and [43.51.060]. 95-22-067, § 352-32-010, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-010, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-010, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-010, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 94-01-087, § 352-32-010, filed 12/13/93, effective 1/13/94; 93-08-025, § 352-32-010, filed 3/30/93, effective 5/1/93; 93-06-001, § 352-32-010, filed 2/17/93, effective 3/20/93; 91-09-001, § 352-32-010, filed 4/4/91,

effective 5/15/91. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 (Order 89-01), § 352-32-010, filed 3/7/89. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-010, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060. 87-08-008 (Order 100), § 352-32-010, filed 3/23/87, effective 5/15/87; 86-06-020 (Order 91), § 352-32-010, filed 2/25/86; 81-09-034 (Order 50), § 352-32-010, filed 4/14/81. Statutory Authority: RCW 43.51.040. 80-14-009 (Order 48), § 352-32-010, filed 9/22/80. Statutory Authority: RCW 43.51.040 and 43.51.060. 80-05-007 (Order 45), § 352-32-010, filed 4/4/80; Order 9, § 352-32-010, filed 11/24/70.]

WAC 352-32-130 Aircraft. (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by the director or designee as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of paragliding in the proposed area, including but not limited to the following factors: The degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the agency.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times.

(xii) Do not tether paraglider to the ground or other stable nonmovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Individuals flying remote controlled aircraft must do so only within flying areas designated by the director or designee and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) Prior to any such designation, the director or designee shall advise and conduct a public meeting in the region where the park is located. The director shall consider the potential impacts of remote controlled aircraft flying in the proposed area, including, but not limited to, the following factors: The degree of conflict remote controlled aircraft flying may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park area designated for remote controlled aircraft flying shall be conspicuously posted as such by the director or designee.

(b) The director or designee shall establish a committee to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying site.

(c) Each state park area with an established advisory committee, which includes remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying rules concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and cleanup. The director or designee shall ensure that any remote controlled aircraft flying rules contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) The director or designee may permanently, or for a specified period or periods of time, close any designated flying area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any designated flying area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a designated flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting

requirements of this subsection. The director or designee shall ensure that any designated flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(e) Except as provided in WAC 352-32-310, any violation of this section or failure to abide by a conspicuously posted remote controlled aircraft flying rule is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-130, filed 11/30/05, effective 12/31/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-130, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-130, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-130, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-130, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040, 94-01-087, § 352-32-130, filed 12/13/93, effective 1/13/94. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-130, filed 11/24/87; Order 9, § 352-32-130, filed 11/24/70.]

WAC 352-32-180 Sanitation. No person shall, in any state park area:

(1) Drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel, except in designated disposal areas or receptacles.

(2) Clean fish or other food, or wash any clothing or other article for personal or household use, or any dog or other animal, except at designated areas.

(3) Clean or wash any automobile or other vehicle except in areas specifically for that use.

(4) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind, or description, including human or animal bodily waste, any stream, river, lake, or other body of water running in, through, or adjacent to, any state park area.

(5) Urinate or defecate except in designated facilities.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-180, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 03-01-079, § 352-32-180, filed 12/13/02, effective 1/13/03; Order 9, § 352-32-180, filed 11/24/70.]

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free parking at any state park and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. There is no additional fee for one extra vehicle without built-in sleeping accommodations that is part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-251, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-251, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 03-01-079, § 352-32-251, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-251, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-251, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300. 97-21-133, § 352-32-251, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-251, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.060. 90-04-024, § 352-32-251, filed 1/29/90, effective 3/1/90. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 88-19-087 (Order 106), § 352-32-251, filed 9/19/88. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-251, filed 11/22/83.]

WAC 352-32-290 Wood debris collection. (1) Wood debris that may be removed without significantly adversely impacting the environment of the park at which it is located and that is surplus to the needs of such park, may be collected after obtaining a state parks' wood debris collection permit.

(2) A person may collect and remove wood debris from a designated state park area only when the person obtains the required wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued.

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be established by the director consistent with limitations identified in RCW 4.24.210, 79A.05.035 and 43.52.065.

(6) This section shall be implemented in compliance with chapter 352-28 WAC.

(7) All other collection of wood debris in state park areas is prohibited.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-290, filed 11/30/05, effective 12/31/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-290, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-290, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-290, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.045. 84-20-071 (Order 83), § 352-32-290, filed 10/2/84.]

Chapter 352-37 WAC OCEAN BEACHES

WAC

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WAC 352-37-020 Definitions. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Campfires" shall mean any open flame from a wood source.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Commission" shall mean the Washington state parks and recreation commission.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in this section.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbeques and charcoal.

"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Motor vehicle" shall mean every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" shall mean that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.-605, provided, that the ocean beaches shall not include any

lands within the established boundaries of any Indian reservation.

"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Seashore conservation area" shall mean all lands now or hereafter under state ownership or control as defined in RCW 79A.05.605.

"South Beach" shall mean that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-020, filed 3/19/90, effective 4/19/90.]

WAC 352-37-220 Disrobing. (1) No person shall disrobe in public in the seashore conservation area.

(2) Clothing sufficient to conform to common standards shall be worn at all times.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-220, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-220, filed 9/17/92, effective 10/18/92.]

WAC 352-37-230 Firearms. (1) No person shall discharge or propel across, in, or into the seashore conservation area a firearm, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use. Any violation of this section is a gross misdemeanor.

(2) The possession, display, carrying, discharge or use of a firearm is further regulated under chapter 9.41 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-230, filed 11/30/05, effective 12/31/05.]

WAC 352-37-240 Fireworks. The possession or discharge of fireworks on or into those areas of the seashore conservation area adjacent to state park areas is prohibited, except where designated by the director or designee; provided however, that the director or designee may issue permits for fireworks displays subject to conditions established by the agency and as provided in chapter 70.77 RCW. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-240, filed 11/30/05, effective 12/31/05.]

WAC 352-37-250 Games or activities. Playing games and/or engaging in activities in a manner and/or location

which subjects people or personal property, resources or facilities in the seashore conservation area to risk of injury or damage shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-250, filed 11/30/05, effective 12/31/05.]

WAC 352-37-260 Intoxication in the seashore conservation area. Being or remaining in, or loitering about in the seashore conservation area while in a state of intoxication shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-260, filed 11/30/05, effective 12/31/05.]

WAC 352-37-270 Peace and quiet. To ensure peace and quiet for visitors:

(1) No person shall, at any time, use amplified sound-emitting electronic equipment that emits sound beyond the person's vehicle or immediate area of use which is at a volume that may disturb other users of the seashore conservation area, without specific permission of the park ranger.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-270, filed 11/30/05, effective 12/31/05.]

WAC 352-37-280 Pets. (1) In the seashore conservation area, pets or domestic animals, except for assistance dogs for persons with disabilities, may be prohibited for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes, if approved by the director or designee and so posted.

(2) No person shall allow his/her pet or domestic animal to bite or in any way molest or annoy wildlife or visitors to the seashore conservation area. No person shall permit his/her pet or domestic animal to bark or otherwise disturb peace and quiet.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-280, filed 11/30/05, effective 12/31/05.]

WAC 352-37-290 Rubbish. (1) No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes (except human crematory ashes), waste paper, cans, or other rubbish, in the seashore conservation area, except in a garbage can or other receptacle designated for such purposes.

(2) No person shall deposit any household or commercial garbage, refuse, waste, or rubbish, which is brought as such from any private property, in any seashore conservation area garbage can or other receptacle designed for such purpose.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-290, filed 11/30/05, effective 12/31/05.]

WAC 352-37-300 Sanitation. No person shall, in the seashore conservation area:

(1) Drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel, except in designated disposal areas or receptacles.

(2) Urinate or defecate except in designated facilities.

(3) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind, or description, including human or animal bodily waste, any stream, river, lake, or other body of water running in, through, or adjacent to, the seashore conservation area.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-300, filed 11/30/05, effective 12/31/05.]

WAC 352-37-310 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW 79A.05.070(2), no person shall engage in solicitation, or sell or peddle any services, goods, wares, merchandise, liquids, or edibles for human consumption in the seashore conservation area, except by concession or permit granted by the commission. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-310, filed 11/30/05, effective 12/31/05.]

WAC 352-37-320 Other weapons. No person shall display, discharge or propel across, in, or into the seashore conservation area, a bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-320, filed 11/30/05, effective 12/31/05.]

WAC 352-37-330 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-330, filed 11/30/05, effective 12/31/05.]

Chapter 352-78 WAC

BOATING SAFETY EDUCATION PROGRAM

WAC

352-78-010

What is the purpose of the mandatory boating safety education program?

352-78-020

What do the words and phrases in this chapter mean?

352-78-030

What is the process the commission will use to accredit a course provider?

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352-78-110	Who is exempt from having to carry a commission-issued boater education card when operating a motor vessel?
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352-78-130	What constitutes a violation of this chapter?
352-78-140	What is the penalty for violation of this chapter?
352-78-150	Can the penalty for failure to possess a commission-issued boater education card be waived?

WAC 352-78-010 What is the purpose of the mandatory boating safety education program? The purpose of this program is to inform boaters of the requirements of sections 1 through 5, chapter 392, Laws of 2005, directing the commission to implement a program of mandatory boat operator education.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-010, filed 11/21/05, effective 12/22/05.]

WAC 352-78-020 What do the words and phrases in this chapter mean? When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Accredited boating safety course" means a National Association of State Boating Law Administrators (NASBLA) and commission-approved course of instruction that concludes with an examination containing at least fifty questions plus a minimum of ten questions specific about Washington boating laws.

(2) "Accredited boating safety course provider" is a person or organization that provides a NASBLA-approved boating safety course or equivalency exam and has been accredited by the commission.

(3) "Aquatic invasive species" means a nonnative species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(4) "Bill of sale" is a document showing date of vessel purchase.

(5) "Boater" is any person on a vessel on the waters of the state of Washington;

(6) "Boater education card" means a card issued to a person who has successfully completed a boating safety education test and has paid the registration fee for a serial number record to be maintained in the commission's data base.

(7) "Boating educator" means a person providing an accredited course.

(8) "Certificate of accomplishment" means a form provided by the commission and issued by a boating educator to a person who has successfully completed an accredited boating safety course. An official card or certificate issued by the

United States Coast Guard Auxiliary or United States Power Squadrons to a person for successful completion of their boating safety education course is also recognized by the commission as a certificate of accomplishment.

(9) "Correspondence course and self-test" means a boating safety course and examination approved by the commission that allows individuals who are unable to participate in a boating safety class or equivalency exam a means of providing proof of competency.

(10) "Commission" means the Washington state parks and recreation commission.

(11) "Direct supervision" occurs when a person possessing or exempt from having to possess a boater education card maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motor vessel from an operator of a motor vessel who is allowed to operate a motor vessel without a boater education card.

(12) "Equivalency exam" is an exam created by the commission containing at least fifty questions plus a minimum of ten specific questions that cover laws and other issues pertaining to boating in Washington. The equivalency exam is intended to provide experienced boat operators with the opportunity to meet the minimum standard of boating safety education without having to take a boating safety course.

(13) "Motor vessel" means all boats and vessels which are propelled by machinery.

(14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for the operator of a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission.

(15) "Minimum standard of boating safety accomplishment" means a standard of proficiency established by the commission based on the standards set by the NASBLA that determines whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam or correspondence course and self-test.

(16) "NASBLA" means National Association of State Boating Law Administrators.

(17) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

(18) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(19) "Proctor" is a member of the United States Coast Guard Auxiliary, United States Power Squadrons, public official including county sheriff's deputy, city police officer, and/or other individual authorized by the commission to provide an accredited boating safety course or equivalency exam.

(20) "Proof of accomplishment" means evidence of having met the minimum standard for boating safety education accomplishment as determined by the commission.

(21) "Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity located within or outside this state.

(22) "Rental agent" means any person who is authorized to act for the owner or employer of a recreational motor vessel rental or leasing agency.

(23) "Rental motor vessel" means a motor vessel that is legally owned by a person that is registered as a rental and leasing agency for recreational motor vessels, and for which there is a written and signed rental, charter, or lease agreement between the owner, or owner's agent, of the vessel and the operator of the vessel.

(24) "Replacement boater education card" means a boater education card provided to a person who has already been issued a boater education card and has applied for a replacement of the card that has been lost, damaged, stolen, or otherwise is in need of replacement.

(25) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(26) "Vessel registration" means a document issued by the department of licensing showing that all taxes and fees have been paid and acts as a permit for the vessel to be used on the waters of the state.

(27) "Waters of the state" means any waters within the territorial limits of Washington state.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-020, filed 11/21/05, effective 12/22/05.]

WAC 352-78-030 What is the process the commission will use to accredit a course provider? (1) The commission will delegate to the director of the Washington state parks and recreation commission or designee the authority to establish minimum standards for a boating safety education program that are consistent with the education standards set by NASBLA and which shall include training on preventing the spread of aquatic invasive species. The commission shall approve and provide accreditation to boating safety education courses operated by volunteers, or commercial or nonprofit organizations, including, but not limited to, courses given by the United States Coast Guard Auxiliary and the United States Power Squadrons. The commission shall strive to make its boating education course materials and testing opportunities available to culturally and linguistically diverse people who are English learners, and to facilitate making the boating education card available to such persons. The boating safety education program shall provide for the accreditation of a boating safety course or courses by boating educators. The commission shall:

(a) Follow the NASBLA process for course review and approval and shall review any course that is proposed by any private or public entity that desires to teach a course to the public for the purposes of obtaining a boater education card. The commission will make available to any interested prospective accredited boating safety course provider, forms in paper and electronic form, to be used to apply to the commission to become an accredited boating safety course provider. In order to be accredited by the commission, an accredited boating safety course provider that wants to issue a boater education card must issue only the commission's boater education card.

(b) Follow the NASBLA process for courses to be reviewed and reapproved if the provider wishes to continue the use of the course.

(c) Use the NASBLA testing standards for exam questions.

(d) Create a question pool that meets the NASBLA examination question standards to cover Washington state boating laws and regulations and make this part of any course to enable accredited boating safety course providers to meet NASBLA standards.

(e) Consider and evaluate public agency and commercial opportunities to assist in program administration with the intent to keep administrative costs to a minimum.

(2) Any boater twelve years of age or older who completes a boating safety course that has met commission standards will be eligible to receive a boater education card upon application for such card and payment of appropriate fees. The commission will accept as proof of accomplishment or course completion:

(a) A copy of an original certificate from any course taken prior to July 1, 2005, provided that such course meets the NASBLA standards for Washington in effect at the time the course was taken.

(b) A letter from an accredited course provider that certifies that the named individual has taken and passed a boating safety course from this provider that met the acceptable course standards as of the date the course was given.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-030, filed 11/21/05, effective 12/22/05.]

WAC 352-78-040 What are alternative methods of obtaining a boating education card? (1) Provide an opportunity for any person who so wishes, to demonstrate their boating safety knowledge by taking a commission-approved equivalency exam developed from the NASBLA and state question pools.

(2) Provide an opportunity for any person who so wishes, to take a commission-approved correspondence course and self-test.

(3) Provide an opportunity for any person who so wishes, to take a commission-approved internet course.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-040, filed 11/21/05, effective 12/22/05.]

WAC 352-78-050 How do I become eligible to obtain a commission-issued boater education card? (1) A person required to possess a commission-issued boater education card in order to operate a motor vessel in Washington must meet the minimum standard for boating safety education accomplishment as set by the commission. The minimum standards for boating safety education accomplishment required by the commission are:

(a) Successful completion of a course or exam offered by an accredited boating safety course provider or proctor. Such courses or exams may include, but not be limited to, classroom, internet, correspondence, and proctored and unproctored exams.

(b) Possession of a certificate, card, or other official document issued by another state or country that is equivalent to the commission's boating safety course or equivalency exam.

(c) Suitable evidence of achieving the minimum standards for boating safety education accomplishment consists of:

(i) A certificate issued by the United States Power Squadrons, United States Coast Guard Auxiliary, the commission or other accredited boating safety course provider.

(ii) A certificate, card, or other official document issued by another state or country that is equivalent to the rules adopted by the commission.

(iii) Proof of accomplishment documentation must contain the name of the individual applying for the boater education card and be signed or otherwise certified by the issuing organization or agency.

(d) Boater education cards issued by the commission shall contain a unique number that corresponds to the individual named on the card. Commission-issued boater education cards are not transferable from one individual to another.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-050, filed 11/21/05, effective 12/22/05.]

WAC 352-78-060 How can I obtain a boater education card? To obtain a commission-issued boater education card, a person must provide to the commission:

(1) A completed application on a form provided by the commission. The application form will require the name, address, date of birth and other identifying characteristics of the applicant as determined by the commission. Incomplete applications will be returned to the applicant.

(2) Provide proof of accomplishment consisting of a document verifying the applicant has successfully completed a boating safety course or equivalency exam.

(a) A copy of the original certificate issued by the United States Power Squadrons, United States Coast Guard Auxiliary, the commission or other accredited boating safety course provider, or a Canadian Pleasure Craft Operator's Card are acceptable proof of accomplishment; or

(b) A copy of the original certificate, card, or other official documents issued by another state or country whose boating safety course meets NASBLA minimum standards is acceptable proof of accomplishment; or

(c) A copy of the original Coast Guard motorboat operator's license, either valid or expired, is acceptable proof of accomplishment. A valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 CFR Part 10 or a maritime certificate issued by the Canadian government; or

(d) A copy of the original valid commercial fishing license issued by the department of fish and wildlife.

(3) Proof of accomplishment documents must contain the name of the individual applying for the commission-issued boater education card.

(4) In the event the original document establishing proof of accomplishment is not available, a signed statement from an accredited boating safety course provider of a boating safety course stating that the individual has successfully completed a boating safety course or equivalency exam must be submitted to the commission.

(5) The commission may require the applicant to provide the original document establishing proof of accomplishment if the copy accompanying the application is illegible or the authenticity of the copy is not certain.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-060, filed 11/21/05, effective 12/22/05.]

WAC 352-78-070 What document can be used temporarily in lieu of a boater education card? (1) The owner of a newly purchased motor vessel who is otherwise required to possess a commission-issued boater education card may use a copy of the bill of sale or vessel registration temporarily in lieu of a boater education card for no more than sixty consecutive days from the vessel date of purchase.

(2) A person, while waiting to obtain a commission-issued boater education card, may use a certificate of accomplishment for up to sixty days from date of issue to operate a motor vessel provided the original certificate of accomplishment is on board the vessel while it is being operated.

(3) A person residing in Washington who is otherwise required to possess a commission-issued boater education card and has received a certificate, card, or other official document issued by another state or country that is equivalent to Washington's boater education card may use the original of that document as a temporary education card and may operate a motor vessel in Washington for no more than sixty days from the date of residency provided the document is on board.

(4) A person who legally rents a motor vessel and is otherwise required to possess a commission-issued boater education card may use the required motor vessel safety operating and equipment checklist as a temporary education card and may operate the rental motor vessel in Washington for the term of the rental agreement but not longer than sixty consecutive days.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-070, filed 11/21/05, effective 12/22/05.]

WAC 352-78-080 How do I get a replacement for my commission-issued boater education card? (1) A person may apply for a replacement boater education card from the commission if:

(a) They legally change their name; or

(b) The card is lost, stolen or destroyed.

(2) To obtain a replacement boater education card, an applicant must provide the commission with:

(a) A completed application on a form provided by the commission; and

(b) An affidavit signed by the applicant stating the circumstances that led to the loss or destruction of the original commission-issued boater education card; and

(c) A five-dollar fee for a replacement card paid in full in a manner determined by the commission and stated on the application form.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-080, filed 11/21/05, effective 12/22/05.]

WAC 352-78-090 How do the boater safety education program requirements affect rental operators and liveries? (1) Beginning January 1, 2008, any person who provides a motor vessel for rent in Washington must require that the person who rents the motor vessel and all operators of the rental motor vessel who are required to have the commission-issued boater education card as provided by the phase-in schedule in WAC 352-78-100, show proof of possession of a boater education card before renting the person a motor vessel; or

(2) When the person who rents the motor vessel and all operators of the rented motor vessel do not possess a commission-issued boater education card, the rental agent must ensure that the person who rents the motor vessel and all operators of the craft:

(a) Reviews, initials, and signs the motor vessel safety operating and equipment checklist in the presence of the rental agent before they may operate the rental motor vessel; and

(b) Retains the issued copy of the motor vessel safety operating and equipment checklist on board when operating the motor vessel.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-090, filed 11/21/05, effective 12/22/05.]

WAC 352-78-100 What is the phase-in schedule for the mandatory boater safety education program? (1) After January 1, 2006, the commission may issue boater education cards to anyone age twelve and older who submits a completed application, provides proof of accomplishment, and pays the fee required in this chapter. Possession of a commission-issued boater education card is not required until January 1, 2008.

(2) Beginning January 1, 2008, all individuals age twelve through twenty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(3) By January 1, 2009, all individuals age twelve through twenty-five are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(4) By January 1, 2010, all individuals age twelve through thirty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(5) By January 1, 2011, all individuals age twelve through thirty-five are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(6) By January 1, 2012, all individuals age twelve through forty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(7) By January 1, 2013, all individuals age twelve through fifty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(8) By January 1, 2014, all individuals age twelve through sixty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(9) By January 1, 2015, all individuals age twelve through seventy are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(10) After January 1, 2016, all individuals age twelve and older must possess a boater education card to operate a vessel of fifteen horsepower or greater.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-100, filed 11/21/05, effective 12/22/05.]

WAC 352-78-110 Who is exempt from having to carry a commission-issued boater education card when operating a motor vessel? A commission-issued boater education card is not required by the following persons:

(1) The operator of a vessel engaged in a lawful commercial fishery operation as licensed by the department of fish and wildlife under Title 77 RCW. However, the person when operating a vessel for recreational purposes must carry either a valid commercial fishing license issued by the department of fish and wildlife or a boater education card;

(2) Any person who possesses a valid marine operator license issued by the United States Coast Guard when operating a vessel authorized by such coast guard license. However, the person when operating a vessel for recreational purposes must carry a valid marine operator license issued by the United States Coast Guard or a boater education card;

(3) Any person who is legally engaged in the operation of a vessel that is exempt from vessel registration requirements under chapter 88.02 RCW and applicable rules and is used for purposes of law enforcement or official government work. However, the person when operating a vessel for recreational purposes must carry a boater education card;

(4) Any person at least twelve years old renting, chartering, or leasing a motor driven boat or vessel with an engine power of fifteen horsepower or greater who completes a commission-approved motor vessel safety operating and equipment checklist each time before operating the motor driven boat or vessel, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190;

(5) Any person who is not a resident of Washington state and who does not operate a motor driven boat or vessel with an engine power of fifteen horsepower or greater in waters of the state for more than sixty consecutive days;

(6) Any person who is not a resident of Washington state and who holds a current out-of-state or out-of-country certificate or card that is equivalent to the rules adopted by the commission;

(7) Any person who has purchased the boat or vessel within the last sixty days, and has a bill of sale in his or her possession to document the date of purchase;

(8) Any person, including those less than twelve years of age, who are involved in practicing for, or engaging in, a permitted racing event where a valid document has been issued by the appropriate local, state, or federal government agency for the event, and is available for inspection on-site during the racing event;

(9) Any person who is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a commission-issued boater education card, or who is not yet required to possess the card.

(10) Any person who is not yet required to have a commission-issued boater education card under the phased schedule in WAC 352-78-090; and

(11) Any person born before January 1, 1955.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-110, filed 11/21/05, effective 12/22/05.]

WAC 352-78-120 What is the fee for a commission-issued boater education card? (1) The commission-issued boater education card fee is ten dollars.

(2) Duplicate fee for replacement cards is five dollars. The fee is waived if replacement is necessary because of an error by the commission. The same number will be assigned on any duplicate card as was assigned on the original.

(3) Fees paid to the commission for a commission-issued boater education card or replacement card are not refundable.

(4) An accredited course provider may charge a reasonable fee to recover costs associated with providing a boating safety course or equivalency exam.

(5) All receipts from fees collected for the issuance of the commission-issued boater education card shall be used solely for the administration of this chapter including the initial costs of developing the program. Any surplus funds resulting from the fees received shall be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.040.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-120, filed 11/21/05, effective 12/22/05.]

WAC 352-78-130 What constitutes a violation of this chapter? A person is considered in violation of the provisions contained in this chapter and subject to the penalties prescribed by law when they:

(1) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain a commission-issued boater education card or replacement boater education card; or

(2) Exhibit an altered boater education card or any boating education card other than the one issued to them, to a peace officer; or

(3) Alter a commission-issued boater education card or replacement boater education card issued by the commission or its authorized agent; or

(4) Produce or possess an unauthorized replica of a commission-issued boater education card or replacement boater education card.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-130, filed 11/21/05, effective 12/22/05.]

WAC 352-78-140 What is the penalty for violation of this chapter? Any violation of this chapter is an infraction under RCW 79A.60.110 and chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-140, filed 11/21/05, effective 12/22/05.]

WAC 352-78-150 Can the penalty for failure to possess a commission-issued boater education card be waived? In any proceeding for failure to possess a commis-

sion-issued boater education card, the court shall waive the penalty if the boater provides proof to the court within sixty days that he or she has received a boater education card.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. 05-23-128, § 352-78-150, filed 11/21/05, effective 12/22/05.]

Title 356 WAC PERSONNEL, DEPARTMENT OF (GENERAL GOVERNMENT)

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 356-03 EXEMPTIONS

356-03-010 Exemptions. [Statutory Authority: RCW 41.06.150, 02-17-117, § 356-03-010, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-05 DEFINITIONS

356-05-001 Chapter purpose. [Statutory Authority: RCW 41.06.-150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-001, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-010 Administrative personnel. [Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-05-010, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-010, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-012 Affected group members. [Statutory Authority: RCW 41.06.150, 99-05-043, § 356-05-012, filed 2/12/99, effective 4/1/99.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-013 Affirmative action. [Statutory Authority: RCW 41.06.-150, 99-05-043, § 356-05-013, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-013, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-015 Agency. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-015, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-020 Agricultural personnel. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-020, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-025 Allied register. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-025, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-030 Allocation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-030, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-035 Anniversary date. [Statutory Authority: RCW 41.06.-150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-035, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-040	Appointing authority. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-040, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-115	Director. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-115, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-045	Bargaining unit. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-045, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-120	Disability. [Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-05-120, filed 11/20/84. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-120, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-050	Basic salary. [Statutory Authority: RCW 41.06.150. 85-05-030 (Order 217), § 356-05-050, filed 2/15/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-050, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-125	Dismissal. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-125, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-055	Board. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-05-055, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-055, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-128	Drug test. [Statutory Authority: RCW 41.06.150. 88-03-042 (Order 291), § 356-05-128, filed 1/19/88, effective 3/1/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-060	Bumping. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-060, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-130	Education leave of absence. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-130, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-065	Career planning. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-065, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-135	Elevation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-135, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-070	Certification. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-070, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-140	Eligible. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-140, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-072	Child. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-05-072, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-145	Emergency appointment. [Statutory Authority: RCW 41.06.150. 88-21-028 (Order 309), § 356-05-145, filed 10/11/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-145, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-075	Class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-075, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-148	Emergency health condition. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-05-148, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-080	Classified service. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-080, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-150	Employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-150, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-085	Collective bargaining or collective negotiation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-085, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-155	Employee organization. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-155, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-090	Compensatory time. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-090, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-160	Exchange time. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-160, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-095	Competitive service. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-095, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-165	Executive personnel. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-165, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-165, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-100	Date of election. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-100, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-170	Exempt position. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-170, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-105	Demotion. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-105, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-173	Flex-time. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-030 (Order 384), § 356-05-173, filed 9/23/91, effective 11/1/91.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-110	Desirable qualifications. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-110, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-175	Full-time employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-175, filed

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Title 356 WAC: Personnel—General Government

	8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-178	Higher education system or higher education rules. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-178, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-178, filed 9/10/98, effective 10/12/98.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-234	Parent. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-05-234, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-185	Holidays. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-185, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-235	Part-time employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-235, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-195	Human resource development. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-195, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-237	Pay period. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-237, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-198	Institutions of higher education. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-05-198, filed 9/10/98, effective 10/12/98.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-238	Pay status. [Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-05-238, filed 2/24/89, effective 4/1/89.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-200	Intermittent employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-200, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-240	Periodic increment date. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-05-240, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-240, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-205	Intervening salary steps. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-205, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-245	Permanent employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-245, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-207	Job categories. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-05-207, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-207, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-250	Personnel record. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-250, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-210	Law enforcement personnel. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-210, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-210, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-03-044 (Order 337), § 356-05-210, filed 1/16/90, effective 3/1/90. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-210, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-210, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-260	Persons of disability. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-23-107 (Order 395), § 356-05-260, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-05-260, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-211	Leadworker. [Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), § 356-05-211, filed 7/15/85.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-300	Position. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-300, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-215	Minimum qualifications. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-215, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-305	Premium payment. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-305, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-305, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-220	Noncompetitive positions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-220, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-220, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-310	Probationary period. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-310, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-225	Orientation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-225, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-315	Professional personnel. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-315, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-315, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-230	Overtime. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-230, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-320	Project employment. [Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-05-320, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-320, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-231	Overtime rate. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-231, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-325	Promotion. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-325, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-233	Outside sales personnel. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-233, filed	356-05-332	Recreational establishment. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-332, filed

	5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-05-333	Reasonable accommodation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-333, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-387	Seasonal career positions. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-387, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-335	Reduction in force. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-335, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-389	Selective. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-389, filed 1/10/02, effective 3/1/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-340	Reduction. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-340, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-390	Seniority. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-390, filed 9/10/98, effective 10/12/98; 98-06-012, § 356-05-390, filed 2/20/98, effective 4/1/98; 89-16-030 (Order 327), § 356-05-390, filed 7/25/89, effective 9/1/89; 87-02-038 (Order 267), § 356-05-390, filed 1/2/87; 85-21-113 (Order 237), § 356-05-390, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-390, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-345	Reemployment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-345, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-395	Series. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-395, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-350	Register. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-350, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-397	Shift charge. [Statutory Authority: RCW 41.06.150, 86-14-071 (Order 253), § 356-05-397, filed 7/1/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-353	Regular rate. [Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-05-353, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-400	Supervisor. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-400, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-355	Reinstatement. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-08-009 (Order 402), § 356-05-355, filed 3/20/92, effective 5/1/92. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-355, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-405	Suspension. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-405, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-358	Related boards. [Statutory Authority: RCW 41.06.150, 98-19-034, § 356-05-358, filed 9/10/98, effective 10/12/98.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-410	Tandem employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-410, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-360	Resignation. [Statutory Authority: RCW 41.06.150, 88-03-041 (Order 290), § 356-05-360, filed 1/19/88, effective 3/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-360, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-415	Temporary employment. [Statutory Authority: RCW 41.06.150, 02-07-049, § 356-05-415, filed 3/14/02, effective 5/1/02; 88-18-096 (Order 308), § 356-05-415, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-415, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-365	Reversion. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-365, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-420	Termination. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-420, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-370	Salary range. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-370, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-024 (Order 409), § 356-05-370, filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.150, 87-15-065 (Order 281), § 356-05-370, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-370, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-425	Training. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-425, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-375	Scheduling plan. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-375, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-375, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-375, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-430	Transfer. [Statutory Authority: RCW 41.06.150, 87-15-065 (Order 281), § 356-05-430, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-430, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-380	Seasonal career employees. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-380, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-05-435	Trial service period. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-435, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-05-385	Seasonal career employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-385, filed	356-05-440	Tuition reimbursement. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-440, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

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Title 356 WAC: Personnel—General Government

356-05-445 Underfill. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-445, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-447 Underutilization. [Statutory Authority: RCW 41.06.150, 99-05-043, § 356-05-447, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-447, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-450 Union shop. [Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-05-450, filed 12/28/88, effective 2/1/89. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-450, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-456 Union shop nonassociation fee. [Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-05-456, filed 12/28/88, effective 2/1/89.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-460 Union shop representative. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-460, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-461 Union shop representation fee. [Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-05-461, filed 12/28/88, effective 2/1/89.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-465 Veteran. [Statutory Authority: RCW 41.06.150, 88-14-070 (Order 302), § 356-05-465, filed 7/1/88; 85-20-027 (Order 233), § 356-05-465, filed 9/24/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-465, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-470 Veteran's spouse. [Statutory Authority: RCW 41.06.150, 87-02-038 (Order 267), § 356-05-470, filed 1/2/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-470, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-475 Volunteer experience. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-475, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-477 Washington general service. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-477, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-477, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-05-477, filed 1/21/94, effective 3/1/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-479 Washington management service. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-479, filed 7/8/04, effective 8/8/04. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-05-479, filed 1/21/94, effective 3/1/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-480 Work day. [Statutory Authority: RCW 41.06.150, 87-10-037 (Order 274), § 356-05-480, filed 5/1/87, effective 6/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-480, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-485 Work period designation. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-485, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-490 Work schedule. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-490, filed 8/10/84.] Repealed

by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-493 Workforce diversity. [Statutory Authority: RCW 41.06.040 and 41.06.150, 91-20-032 (Order 386), § 356-05-493, filed 9/23/91, effective 11/1/91.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-495 Workshift. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-495, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-500 Workweek. [Statutory Authority: RCW 41.06.150, 87-10-037 (Order 274), § 356-05-500, filed 5/1/87, effective 6/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-500, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-05-505 Y-rate. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-505, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-06 GENERAL PROVISIONS

356-06-001 Declaration of purpose. [Statutory Authority: RCW 41.06.150, 87-06-032 (Order 270), § 356-06-001, filed 2/27/87, effective 4/1/87; Order 36, § 356-06-001, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-001.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-002 Scope and construction of terms. [Order 63, § 356-06-002, filed 2/26/74.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-003 Scope. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-06-003, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-003, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150, 93-19-147 (Order 432), § 356-06-003, filed 9/22/93, effective 10/23/93.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-030 Personnel services—Governmental agencies. [Order 36, § 356-06-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-040.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-040 Classified service. [Statutory Authority: RCW 41.06.150, 04-15-018, § 356-06-040, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-040, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.140 (17), 80-04-025 (Order 142), § 356-06-040, filed 3/14/80; Order 71, § 356-06-040, filed 12/30/74; Permanent and Emergency Order 39, § 356-06-040, filed 9/15/71; Order 36, § 356-06-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-050, 356-04-060, 356-04-070.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-045 Movement between Washington general service and Washington management service positions. [Statutory Authority: RCW 41.06.150, 01-07-055, § 356-06-045, filed 3/19/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-06-045, filed 1/21/94, effective 3/1/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-050 Exempt service. [Statutory Authority: RCW 41.06.150, 98-19-034, § 356-06-050, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-06-050, filed 5/23/84, effective 9/1/84; Order 36, § 356-06-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-055 Exempt—Classified service—Movement between. [Statutory Authority: RCW 41.06.040 and 41.06.150, 92-20-026 and 92-22-042 (Orders 411 and 411A), § 356-06-055, filed 9/28/92 and 10/27/92, effective 11/1/92 and 11/27/92; 92-14-068 (Order 405), § 356-06-055, filed 6/26/92, effective 8/1/92; 91-21-081 (Order 392), § 356-06-055, filed 10/18/91, effective 12/1/91; 90-12-027 (Order 353), § 356-06-055, filed 5/30/90,

effective 6/30/90. Statutory Authority: RCW 41.06.150. 85-21-113 (Order 237), § 356-06-055, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-06-055, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-06-055, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-065 Incumbent status for positions converted by the board from exempt to classified. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-065, filed 7/8/04, effective 8/8/04; 03-16-085, § 356-06-065, filed 8/5/03, effective 9/5/03; 02-15-047, § 356-06-065, filed 7/11/02, effective 9/1/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-100 Director—Powers—Duties. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-100, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-100, filed 9/10/98, effective 10/12/98; 95-19-098, § 356-06-100, filed 9/20/95, effective 11/1/95; Order 71, § 356-06-100, filed 12/30/74; Order 36, § 356-06-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-130.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-110 Federal preemption—Fair Labor Standards Act. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-110, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-110, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-03-090, § 356-06-110, filed 1/18/95, effective 3/1/95.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-120, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-120, filed 9/10/98, effective 10/12/98; 98-08-024, § 356-06-120, filed 3/20/98, effective 5/1/98.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-07

OPERATIONS AND PUBLIC RECORDS

356-07-010 Purpose. [Order 60, § 356-08-010 (codified as WAC 356-07-010), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-020 Public records—Writings—Defined. [Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-07-020, filed 1/24/84; Order 60, § 356-08-020 (codified as WAC 356-07-020), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-030 Description and location of departmental organization. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-07-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-056 (Order 341), § 356-07-030, filed 3/20/90, effective 5/1/90. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-07-030, filed 4/12/82; 78-05-025 (Order 119), § 356-07-030, filed 4/14/78; Order 60, § 356-08-030 (codified as WAC 356-07-030), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-040 General method of operation. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-07-040, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-07-040, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-07-040, filed 1/2/87; Order 60, § 356-08-040 (codified as WAC 356-07-040), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-050 Office hours. [Order 60, § 356-08-050 (codified as WAC 356-07-050), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-055

Records index. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-027 (Order 363), § 356-07-055, filed 12/24/90, effective 2/1/91.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-060

Records availability—Copies obtained. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-027 (Order 363), § 356-07-060, filed 12/24/90, effective 2/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-07-060, filed 1/2/87; Order 60, § 356-08-060 (codified as WAC 356-07-060), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-07-070

Exemptions—Public records. [Order 60, § 356-08-070 (codified as WAC 356-07-070), filed 12/13/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-09

AFFIRMATIVE ACTION PROGRAM

356-09-010

Affirmative action program—Purpose. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-09-010, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-09-020

Affirmative action program—Equal employment opportunity policy statement. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-033 (Order 387), § 356-09-020, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-020, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-09-030

Affirmative action program—Affirmative action plan—Elements. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-030, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-09-030, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-09-040

Affirmative action program—Responsibilities—Department of personnel. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-09-040, filed 7/8/04, effective 8/8/04; 99-19-114, § 356-09-040, filed 9/21/99, effective 11/1/99; 99-05-043, § 356-09-040, filed 2/12/99, effective 4/1/99; 98-19-034, § 356-09-040, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-09-040, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-09-050

Affirmative action program—Testing. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-050, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-034 (Order 388), § 356-09-050, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-050, filed 1/2/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-10

CLASSIFICATION

356-10-010

Classification plan—Preparation—Content. [Order 36, § 356-10-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-010.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-10-020

Classification plan—Revision. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-10-020, filed 7/8/04, effective 8/8/04; 02-15-050, § 356-10-020, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-10-020, filed 9/10/98, effective 10/12/98; 96-11-062, § 356-10-020, filed 5/10/96, effective 6/6/96; 95-19-054, § 356-10-020, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-10-020, filed 9/22/93, effective 10/23/93; Order 36, § 356-10-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-020.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

- 356-10-030 Positions—Allocation—Reallocation. [Statutory Authority: RCW 41.06.150. 88-15-060 (Order 303), § 356-10-030, filed 7/18/88, effective 9/1/88. Statutory Authority: RCW 41.06.150(17). 79-03-010 (Order 128), § 356-10-030, filed 2/14/79; 78-12-026 (Order 126), § 356-10-030, filed 11/15/78; Order 77, § 356-10-030, filed 5/7/75; Order 75, § 356-10-030, filed 3/24/75; Order 36, § 356-10-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-030, 356-08-040, 356-08-050 and 356-16-175.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-10-040 Employee appointment status—Downward reallocation. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-10-040, filed 3/19/01, effective 5/1/01; 85-11-074 (Order 223), § 356-10-040, filed 5/22/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-040, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-10-040, filed 11/28/83; Order 109, § 356-10-040, filed 9/7/77; Order 90, § 356-10-040, filed 9/7/76, effective 10/8/76; Order 36, § 356-10-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-060.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-10-045 Employee appointment status—Lateral reallocation. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-10-045, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-10-045, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-045, filed 8/10/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-10-050 Employee appointment status—Upward reallocation. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-10-050, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-070 (Order 368), § 356-10-050, filed 1/16/91, effective 3/1/91; 90-01-110 (Order 329), § 356-10-050, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 88-17-041 (Order 306), § 356-10-050, filed 8/15/88; 88-15-060 (Order 303), § 356-10-050, filed 7/18/88, effective 9/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-050, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-10-050, filed 9/16/80; 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-10-060 Allocation—Request for review. [Statutory Authority: Chapter 41.06 RCW. 05-04-043, § 356-10-060, filed 1/27/05, effective 3/1/05. Statutory Authority: RCW 41.06.150. 98-19-034, § 356-10-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-154 (Order 429), § 356-10-060, filed 9/22/93, effective 11/1/93. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-10-060, filed 11/16/81; 80-13-047 (Order 147), § 356-10-060, filed 9/16/80; 79-03-010 (Order 128), § 356-10-060, filed 2/14/79; 78-12-026 (Order 126), § 356-10-060, filed 11/15/78; 78-10-070 (Order 123), § 356-10-060, filed 9/26/78; Order 87, § 356-10-060, filed 5/4/76, effective 6/5/76; Repealed by Order 81, § 356-10-060, filed 8/21/75, effective 9/21/75*; Order 36, § 356-10-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-090.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-10-065 Exceptions—Allocation—Reviews. [Statutory Authority: Chapter 41.06 RCW. 05-04-043, § 356-10-065, filed 1/27/05, effective 3/1/05.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-14 COMPENSATION PLAN

- 356-14-010 Compensation plan—General provisions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-010, filed 7/8/04, effective 8/8/04; 02-15-049, § 356-14-010, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-14-010, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-010, filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-010, filed 11/16/81; Order 98, § 356-14-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-010, filed 5/4/76, effective 10/1/76*; Order 78, § 356-14-010, filed 5/19/75; Order 71, § 356-14-010, filed 12/30/74; Order 36, § 356-14-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-110, 356-08-115.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-026 Salary surveys. [Statutory Authority: RCW 41.06.150. 02-15-049, § 356-14-026, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-14-026, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-026, filed 7/1/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-031 Compensation plan—Adoption. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-031, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-14-031, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-031, filed 7/1/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-045 Salaries—Comparable worth. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-045, filed 7/8/04, effective 8/8/04; 00-10-026, § 356-14-045, filed 4/24/00, effective 6/1/00; 98-19-034, § 356-14-045, filed 9/10/98, effective 10/12/98; 87-09-037 (Order 273), § 356-14-045, filed 4/14/87, effective 6/1/87; 86-14-071 (Order 253), § 356-14-045, filed 7/1/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-062 Compensation plan—Fiscal impact. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-062, filed 7/8/04, effective 8/8/04; 87-15-045 (Order 280), § 356-14-062, filed 7/13/87, effective 9/1/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-065 Salary—Teachers of the deaf or blind. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-065, filed 11/16/81.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-067 Salary—Classes requiring licensure as registered nurse. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-067, filed 3/19/01, effective 5/1/01. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-23-030 (Order 361), § 356-14-067, filed 11/14/90, effective 12/15/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-070 Salary—Limits. [Statutory Authority: RCW 41.06.150. 00-16-004, § 356-14-070, filed 7/20/00, effective 9/1/00; 98-19-034, § 356-14-070, filed 9/10/98, effective 10/12/98; Order 96, § 356-14-070, filed 12/10/76, effective 1/12/77; Order 36, § 356-14-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-130.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-14-075 Y-rate—Administration. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-075, filed 3/19/01, effective 5/1/01. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-087 (Order 420), § 356-14-075, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 86-17-038 (Order 256), § 356-14-075, filed 8/15/86, effective 10/1/86; 85-09-030 (Order 221), § 356-14-075, filed 4/12/85; Order 109, § 356-14-075, filed 9/7/77; Order 96, § 356-14-075, filed 12/10/76, effective 1/12/77; Order 92, § 356-14-075, filed 10/5/76, effective 11/5/76.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-14-080	Salary—Entrance. [Order 75, § 356-14-080, filed 3/24/75; Order 36, § 356-14-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-131.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-150	Salary—Adjustment upward—Status—Incumbents. [Order 36, § 356-14-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-084.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-085	Salaries—Reduction in force register appointment. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-085, filed 3/19/01, effective 5/1/01; 83-06-005 (Order 180), § 356-14-085, filed 2/18/83. Statutory Authority: RCW 41.06.150(17). 81-11-032 (Order 154), § 356-14-085, filed 5/19/81; 81-01-054 (Order 150), § 356-14-085, filed 12/12/80.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-160	Salary—Voluntary demotion—Computation. [Order 77, § 356-14-160, filed 5/7/75; Order 36, § 356-14-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-150.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-090	Salary—Reemployment. [Statutory Authority: RCW 41.06.150. 82-11-061 (Order 170), § 356-14-090, filed 5/14/82; Order 75, § 356-14-090, filed 3/24/75; Order 36, § 356-14-090, filed 7/1/71, effective 8/1/71.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-170	Salary—Elevation—Computation. [Order 82, § 356-14-170, filed 9/26/75; Order 36, § 356-14-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-100	Reporting of appointments above the minimum. [Order 75, § 356-14-100, filed 3/24/75; Order 36, § 356-14-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-132.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-180	Salary—Reversion—Computation. [Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), § 356-14-180, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-180, filed 5/12/78; Order 36, § 356-14-180, filed 7/1/71, effective 8/1/71.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-110	Salary—Periodic increment dates—Original—Subsequent. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-110, filed 3/19/01, effective 5/1/01; 95-19-054, § 356-14-110, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-14-110, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-110, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-110, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-190	Salary—Part-time employment computation. [Order 36, § 356-14-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-140.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-120	Periodic increment date—Promotion. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-120, filed 3/19/01, effective 5/1/01; 85-19-078 (Order 230), § 356-14-120, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-120, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-120, filed 9/18/79; Order 109, § 356-14-120, filed 9/7/77; Order 36, § 356-14-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-135.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-200	Salary—Interagency movement. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-200, filed 5/12/78; Order 36, § 356-14-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-141.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-130, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-130, filed 8/10/84; Order 36, § 356-14-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-136 and 356-08-137.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-210	Salary—Accrued leave credits—Transfer—Effect. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-210, filed 5/12/78; Order 36, § 356-14-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-145.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-140	Promotion—Salary increase. [Statutory Authority: RCW 41.06.150. 00-23-060, § 356-14-140, filed 11/14/00, effective 1/1/01; 00-16-005, § 356-14-140, filed 7/20/00, effective 9/1/00. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-23-030 (Order 361), § 356-14-140, filed 11/14/90, effective 12/15/90. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-14-140, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150(17). 80-03-024 (Order 141), § 356-14-140, filed 2/19/80; 79-10-064 (Order 133), § 356-14-140, filed 9/18/79; 78-06-017 (Order 120), § 356-14-140, filed 5/12/78; Order 109A, § 356-14-140, filed 10/6/77, effective 11/6/77; Order 109, § 356-14-140, filed 9/7/77; Order 36, § 356-14-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-139.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-14-220	Salary—Wage and hour records. [Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-14-220, filed 5/22/85; Order 78, § 356-14-220, filed 5/19/75; Order 36, § 356-14-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-150.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-14-230	Salary—Duplicate payment. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-14-230, filed 6/24/85; Order 36, § 356-14-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-151.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-14-240	Overtime compensation method. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-14-240, filed 1/3/96, effective 2/3/96; 87-11-036 (Order 275), § 356-14-240, filed 5/18/87, effective 7/1/87; 86-12-025 (Order 248), § 356-14-240, filed 5/28/86, effective 7/1/86; Order 98, § 356-14-240, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-240, filed 5/4/76, effective 10/1/76; Order 78, § 356-14-240, filed 5/19/75; Order 36, § 356-14-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-152, 356-08-158.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-14-250	Compensatory time—Maximum balance. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-14-250, filed 5/28/86, effective 7/1/86; 83-15-047 (Order 188), § 356-14-250, filed 7/20/83; Order 65, § 356-14-250, filed 4/22/74; Order 36, § 356-14-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-154.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-14-260	Compensatory time—Liquidation. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-14-260, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-14-260, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-14-260, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-029 (Order 288), § 356-14-260, filed 11/24/87, effective 1/1/88; 83-12-002 (Order 184), § 356-14-260, filed 5/19/83; Order

	36, § 356-14-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-153, 356-08-155.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-14-265	Compensatory time cash-out. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-14-265, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-15-060	Shift premium provisions and compensation. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-060, filed 7/8/04, effective 8/8/04; 98-09-066, § 356-15-060, filed 4/20/98, effective 6/1/98; 98-03-052, § 356-15-060, filed 1/16/98, effective 3/1/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-075, § 356-15-060, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-086 (Order 419), § 356-15-060, filed 5/28/93, effective 7/1/93; 92-14-063 (Order 406), § 356-15-060, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-060, filed 5/28/86, effective 7/1/86; 86-06-017 (Order 242), § 356-15-060, filed 2/24/86; 85-14-008 (Order 224), § 356-15-060, filed 6/24/85; 84-14-006 (Order 207), § 356-15-060, filed 6/22/84; 84-05-024 (Order 198), § 356-15-060, filed 2/10/84; Order 98, § 356-15-060, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-060, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-14-300	Relocation compensation. [Statutory Authority: RCW 41.06.150. 99-19-119, § 356-14-300, filed 9/21/99, effective 11/1/99.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
Chapter 356-15 COMPENSATION PLAN APPENDIX			
356-15-010	Compensation plan appendix—Preparation—Provisions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-010, filed 7/8/04, effective 8/8/04; Order 98, § 356-15-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-010, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-15-020	Work period designations. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-020, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-15-020, filed 9/10/98, effective 10/12/98; 88-05-028 (Order 294), § 356-15-020, filed 2/12/88, effective 4/1/88; 87-24-027 (Order 286), § 356-15-020, filed 11/24/87, effective 1/1/88; 86-12-025 (Order 248), § 356-15-020, filed 5/28/86, effective 7/1/86; 86-01-014 (Order 239), § 356-15-020, filed 12/6/85; 85-01-083 (Order 212), § 356-15-020, filed 12/19/84; 83-24-002 (Order 193), § 356-15-020, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-05-034 and 82-06-009 (Order 167 and 167-A), § 356-15-020, filed 2/16/82 and 2/19/82; 79-10-064 (Order 133), § 356-15-020, filed 9/18/79; Order 113, § 356-15-020, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-020, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-020, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-15-061	Shift premium schedule. [Statutory Authority: RCW 41.06.150. 01-23-015, § 356-15-061, filed 11/8/01, effective 1/1/02. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-028 (Order 382), § 356-15-061, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 41.06.150. 86-21-046 (Order 259), § 356-15-061, filed 10/10/86, effective 12/1/86; 85-14-008 (Order 224), § 356-15-061, filed 6/24/85.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-15-063	Supplemental shift premium for registered nurses. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-064 (Order 404), § 356-15-063, filed 6/26/92, effective 8/1/92; 91-20-028 (Order 382), § 356-15-063, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 41.06.150. 88-17-046 and 88-19-023 (Orders 305 and 305A), § 356-15-063, filed 8/16/88 and 9/12/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-030	Overtime provisions and compensation. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-15-030, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-15-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-026 (Order 285), § 356-15-030, filed 11/24/87, effective 1/1/88; 87-19-066 (Order 282), § 356-15-030, filed 9/16/87, effective 11/1/87; 87-10-037 (Order 274), § 356-15-030, filed 5/1/87, effective 6/1/87; 86-21-047 (Order 260), § 356-15-030, filed 10/10/86, effective 12/1/86; 86-12-025 (Order 248), § 356-15-030, filed 5/28/86, effective 7/1/86; 86-01-014 (Order 239), § 356-15-030, filed 12/6/85; 84-02-030 (Order 194), § 356-15-030, filed 12/30/83. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-15-070	Split shift provisions and compensation. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-15-070, filed 1/3/96, effective 2/3/96; 85-14-008 (Order 224), § 356-15-070, filed 6/24/85; 85-05-030 (Order 217), § 356-15-070, filed 2/15/85; Order 98, § 356-15-070, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-070, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-15-080	Standby compensation. [Statutory Authority: RCW 41.06.150. 02-19-063, § 356-15-080, filed 9/12/02, effective 11/1/02. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-027 (Order 381), § 356-15-080, filed 9/23/91, effective 10/24/91; 91-03-069 (Order 367), § 356-15-080, filed 1/16/91, effective 7/1/91. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-15-080, filed 7/16/87, effective 9/1/87; 86-12-025 (Order 248), § 356-15-080, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-15-080, filed 10/26/82; 81-20-060 (Order 161), § 356-15-080, filed 10/5/81; Order 98, § 356-15-080, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-080, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-035	Dual employment. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-035, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-15-085	Hours of work. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-085, filed 5/28/86, effective 7/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-040	Travel time. [Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-040, filed 5/28/86, effective 7/1/86; Order 98, § 356-15-040, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-040, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-15-090	Schedule change and compensation. [Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-090, filed 7/11/02, effective 9/1/02; 97-24-038, § 356-15-090, filed 11/26/97, effective 1/1/98; 96-02-073, § 356-15-090, filed 1/3/96, effective 2/3/96; 89-16-031 (Order 328), § 356-15-090, filed 7/25/89, effective 8/25/89; 89-10-040 (Order 317), § 356-15-090, filed 4/28/89, effective 6/1/89; 87-24-026 (Order 285), § 356-15-090, filed 11/24/87, effective 1/1/88; 87-10-037 (Order 274), § 356-15-090, filed 5/1/87, effective 6/1/87; 86-12-025
356-15-050	Holiday compensation. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-15-050, filed 1/3/96, effective 2/3/96; 86-12-025 (Order 248), § 356-15-050, filed 5/28/86, effective 7/1/86; 85-23-048 (Order 238), § 356-15-050, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-15-050, filed 6/12/78; Order 98, § 356-15-050, filed 1/13/77,		

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	(Order 248), § 356-15-090, filed 5/28/86, effective 7/1/86; 83-18-031 (Order 191), § 356-15-090, filed 8/31/83; Order 114, § 356-15-090, filed 12/21/77; Order 98, § 356-15-090, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-090, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-15-095	Flexible time schedules. [Statutory Authority: RCW 41.06.150. 85-20-027 (Order 233), § 356-15-095, filed 9/24/85.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-15-100	Call-back for work preceding or following a scheduled workshift. [Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-100, filed 7/11/02, effective 9/1/02; 99-19-113, § 356-15-100, filed 9/21/99, effective 11/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-037 (Order 359), § 356-15-100, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-100, filed 5/28/86, effective 7/1/86; 86-06-017 (Order 242), § 356-15-100, filed 2/24/86; 84-12-079 (Order 206), § 356-15-100, filed 6/6/84; Order 98, § 356-15-100, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-100, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-18-020	Holidays. [Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-020, filed 2/24/89, effective 4/1/89; 85-15-043 (Order 228), § 356-18-020, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-020, filed 3/9/78; Order 109, § 356-18-020, filed 9/7/77; Order 87, § 356-18-020, filed 5/4/76; Order 65, § 356-18-020, filed 4/22/74; Order 36, § 356-18-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-350.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-110	Call-back for work on scheduled days off or holidays. [Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-110, filed 7/11/02, effective 9/1/02; 99-19-113, § 356-15-110, filed 9/21/99, effective 11/1/99; 96-02-073, § 356-15-110, filed 1/3/96, effective 2/3/96; 86-12-025 (Order 248), § 356-15-110, filed 5/28/86, effective 7/1/86; 84-12-079 (Order 206), § 356-15-110, filed 6/6/84; Order 98, § 356-15-110, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-110, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-18-025	Holidays—Selected personal holiday—Regulations governing. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-025, filed 11/14/02, effective 1/1/03; 96-21-037, § 356-18-025, filed 10/10/96, effective 11/10/96; 89-06-028 (Order 314), § 356-18-025, filed 2/24/89, effective 4/1/89; Order 87, § 356-18-025, filed 5/4/76.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-125	Assignment pay provisions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-125, filed 7/8/04, effective 8/8/04; 01-08-005, § 356-15-125, filed 3/22/01, effective 5/1/01; 98-19-034, § 356-15-125, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-024 (Order 409), § 356-15-125, filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-15-125, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-125, filed 11/16/81.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-18-030	Holidays—Rules—Regulations governing. [Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-030, filed 2/24/89, effective 4/1/89; 88-11-036 (Order 299), § 356-18-030, filed 5/13/88; 85-20-027 (Order 233), § 356-18-030, filed 9/24/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-030, filed 3/9/78; Order 109, § 356-18-030, filed 9/7/77; Order 36, § 356-18-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-360, 356-12-380.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-130	Special pay ranges. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-130, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-15-130, filed 9/10/98, effective 10/12/98; 97-24-038, § 356-15-130, filed 11/26/97, effective 1/1/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-22-043 (Order 413), § 356-15-130, filed 10/27/92, effective 12/1/92; 91-13-034 and 91-15-021 (Orders 373 and 373A), § 356-15-130, filed 6/13/91 and 7/11/91, effective 7/14/91 and 8/11/91; 91-05-083 (Order 370), § 356-15-130, filed 2/20/91, effective 4/1/91; 90-23-030 (Order 361), § 356-15-130, filed 11/14/90, effective 12/15/90; 90-13-068 (Order 355), § 356-15-130, filed 6/18/90, effective 7/19/90. Statutory Authority: RCW 41.06.150. 89-14-027 (Order 321), § 356-15-130, filed 6/26/89, effective 8/1/89; 85-09-030 (Order 221), § 356-15-130, filed 4/12/85; 83-08-010 (Order 181), § 356-15-130, filed 3/25/83. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.*] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-18-040	Holidays—During leave without pay. [Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-040, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-040, filed 5/12/78; Order 36, § 356-18-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-370.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-15-140	School year contracts for nonteaching staff. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-15-140, filed 3/19/01, effective 5/1/01; 89-07-056 (Order 315), § 356-15-140, filed 3/15/89, effective 5/1/89.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-18-050	Sick leave credit—Purpose—Accrual—Conversion. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-18-050, filed 9/10/98, effective 10/12/98; 96-21-037, § 356-18-050, filed 10/10/96, effective 11/10/96; 89-15-028 (Order 325), § 356-18-050, filed 7/14/89, effective 8/14/89; 89-06-028 (Order 314), § 356-18-050, filed 2/24/89, effective 8/14/89; 87-01-073 (Order 266), § 356-18-050, filed 12/18/86, effective 2/1/87; 84-04-022 (Order 197), § 356-18-050, filed 1/24/84; 83-12-002 (Order 184), § 356-18-050, filed 5/19/83. Statutory Authority: RCW 41.06.150(17). 81-03-017 (Order 151), § 356-18-050, filed 1/12/81; 79-10-064 (Order 133), § 356-18-050, filed 9/18/79; Order 80, § 356-18-050, filed 7/16/75; Order 69, § 356-18-050, filed 9/30/74; Order 52, § 356-18-050, filed 12/19/72; Order 49, § 356-18-050, filed 8/17/72; Order 48, § 356-18-050, filed 7/19/72; Order 36, § 356-18-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 and 356-12-040.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-18-060	Paid sick leave—Use. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-060, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-060, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-060, filed 9/22/93, effective 10/23/93; 92-03-098 (Order 398), § 356-18-060, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-060, filed 2/24/89, effective 4/1/89; 86-24-034 (Order 263), § 356-18-060, filed 11/25/86, effective 1/1/87. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-060, filed 9/22/82; 79-03-010 (Order 128), § 356-18-060, filed 2/14/79; Order 84, § 356-18-060, filed 10/20/75; Order 64, § 356-18-060, filed 3/20/74; Order 51, § 356-18-060, filed 12/19/72; Order 48, § 356-18-060, filed 7/19/72; Order 46, § 356-18-060, filed 5/9/72; Order 44, § 356-18-060, filed 4/14/72; Order 36, § 356-18-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 (part), 356-12-100 (part).] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Title 356

Title 356 WAC: Personnel—General Government

- 356-18-070 Sick leave—Reporting—Payment. [Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-070, filed 2/24/89, effective 4/1/89; 84-14-006 (Order 207), § 356-18-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 80-02-037 (Order 140), § 356-18-070, filed 1/11/80; 78-06-017 (Order 120), § 356-18-070, filed 5/12/78; Order 36, § 356-18-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-021.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-075 Medical expense plans. [Statutory Authority: RCW 41.06.150. 98-13-057, § 356-18-075, filed 6/11/98, effective 8/1/98.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-080 Leave—Worker's compensation. [Statutory Authority: RCW 41.06.150. 02-15-053, § 356-18-080, filed 7/11/02, effective 9/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-080, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-080, filed 2/24/89, effective 4/1/89; 85-14-008 (Order 224), § 356-18-080, filed 6/24/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-080, filed 5/12/78; Order 36, § 356-18-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-022.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-090 Vacation leave—Accrual. [Statutory Authority: RCW 41.06.150. 89-15-028 (Order 325), § 356-18-090, filed 7/14/89, effective 8/14/89; 89-06-028 (Order 314), § 356-18-090, filed 2/24/89, effective 4/1/89; 86-24-010 (Order 264), § 356-18-090, filed 11/21/86, effective 1/1/87; 85-09-030 (Order 221), § 356-18-090, filed 4/12/85. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-18-090, filed 6/15/81; Order 45, § 356-18-090, filed 4/17/72; Order 36, § 356-18-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-060, 356-12-090.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-095 Vacation leave—Accumulation—Excess. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-095, filed 8/31/83.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-100 Accrued vacation leave disposition—Computation—How made. [Statutory Authority: RCW 41.06.150. 02-15-045, § 356-18-100, filed 7/11/02, effective 9/1/02; 02-03-061, § 356-18-100, filed 1/10/02, effective 3/1/02; 87-13-039 (Order 277), § 356-18-100, filed 6/15/87, effective 8/1/87; 85-19-079 (Order 231), § 356-18-100, filed 9/18/85; 84-14-006 (Order 207), § 356-18-100, filed 6/22/84; 83-01-115 (Order 179), § 356-18-100, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-100, filed 9/22/82; 78-06-017 (Order 120), § 356-18-100, filed 5/12/78; Order 109, § 356-18-100, filed 9/7/77; Order 82, § 356-18-100, filed 9/26/75; Order 63, § 356-18-100, filed 2/26/74; Order 48, § 356-18-100, filed 7/19/72; Order 45, § 356-18-100, filed 4/17/72, effective 6/1/72; Order 36, § 356-18-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-070 and 356-12-100 (part).] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-110 Vacation leave—Allowance. [Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-110, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-110, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-110, filed 9/22/93, effective 10/23/93; 91-20-035 (Order 389), § 356-18-110, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-110, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-07-030 (Order 152), § 356-18-110, filed 3/13/81; Order 84, § 356-18-110, filed 10/20/75; Order 45, § 356-18-110, filed 4/17/72; Order 36, § 356-18-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-100(6).] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-112 Shared leave. [Statutory Authority: RCW 41.06.150. 03-20-011, § 356-18-112, filed 9/19/03, effective 9/19/03; 02-07-049, § 356-18-112, filed 3/14/02, effective 5/1/02; 96-21-037, § 356-18-112, filed 10/10/96, effective 11/10/96; 96-11-058, § 356-18-112, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-07-055 (Order 371), § 356-18-112, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 89-16-029 (Order 326), § 356-18-112, filed 7/25/89, effective 8/25/89.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-115 Leave due to inclement weather. [Statutory Authority: RCW 41.06.150. 86-24-034 (Order 263), § 356-18-115, filed 11/25/86, effective 1/1/87; Order 64, § 356-18-115, filed 3/20/74.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-116 Leave due to unforeseen family care requirements. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-18-116, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-101 (Order 401), § 356-18-116, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-116, filed 2/24/89, effective 4/1/89; 86-24-034 (Order 263), § 356-18-116, filed 11/25/86, effective 1/1/87; Order 84, § 356-18-116, filed 10/20/75.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-120 Miscellaneous leave. [Statutory Authority: RCW 41.06.150. 02-15-046, § 356-18-120, filed 7/11/02, effective 9/1/02; 89-21-055 (Order 332), § 356-18-120, filed 10/16/89, effective 12/1/89; 88-07-046 (Order 297), § 356-18-120, filed 3/11/88, effective 5/1/88; 86-14-071 (Order 253), § 356-18-120, filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-18-120, filed 9/18/79; Order 77, § 356-18-120, filed 5/7/75; Order 36, § 356-18-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-110.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-140 Leave without pay. [Statutory Authority: RCW 41.06.150. 04-19-028, § 356-18-140, filed 9/9/04, effective 10/11/04; 01-07-057, § 356-18-140, filed 3/19/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-140, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.150. 95-19-098, § 356-18-140, filed 9/20/95, effective 11/1/95; 89-06-028 (Order 314), § 356-18-140, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-140, filed 1/2/87; 85-11-074 (Order 223), § 356-18-140, filed 5/22/85; 84-23-059 (Order 211), § 356-18-140, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 79-10-064 (Order 133), § 356-18-140, filed 9/18/79; 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140 and 356-12-180.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-145 Family and Medical Leave Act of 1993. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-145, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-145, filed 9/22/93, effective 10/23/93.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-18-150 Newborn, adoptive, or foster child care. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-150, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-150, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-150, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-09-037 (Order 153), § 356-18-150, filed 4/15/81; Order 90, § 356-18-150, filed 9/7/76;

	Order 77, § 356-18-150, filed 5/7/75; Order 36, § 356-18-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-190.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-040	Applications—Contents—Restrictions. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-040, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-22-040, filed 1/2/87; Order 81, § 356-22-040, filed 8/21/75, effective 9/21/75; Order 80, § 356-22-040, filed 7/16/75, effective 8/16/75; Order 36, § 356-22-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-070 and 356-16-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-18-160	Military leave—Reemployment. [Statutory Authority: RCW 41.06.150. 02-15-052, § 356-18-160, filed 7/11/02, effective 9/1/02; 89-06-028 (Order 314), § 356-18-160, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-160, filed 5/12/78; Order 36, § 356-18-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-150, 356-12-160.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-050	Applications—Residence and citizenship requirements. [Order 36, § 356-22-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-100.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-18-170	Government service leave—Reemployment. [Order 36, § 356-18-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-170.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-060	Applications—Filing—Time limit. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-029 (Order 365), § 356-22-060, filed 12/24/90, effective 2/1/91; Order 36, § 356-22-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-110.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-18-200	Unauthorized absence. [Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-18-200, filed 11/20/84; Order 36, § 356-18-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-230.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-070	Applications—Disqualification. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-22-070, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-085 (Order 418), § 356-22-070, 5/28/93, effective 7/1/93; 93-02-040 (Order 414), § 356-22-070, filed 1/5/93, effective 2/1/93; 90-12-020 (Order 346), § 356-22-070, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-070, filed 1/2/87; 84-14-006 (Order 207), § 356-22-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-18-220	Leave without pay—Effect on anniversary date, periodic increment date, and seniority. [Statutory Authority: RCW 41.06.150. 04-19-028, § 356-18-220, filed 9/9/04, effective 10/11/04; 02-15-055, § 356-18-220, filed 7/11/02, effective 9/1/02; 01-07-057, § 356-18-220, filed 3/19/01, effective 5/1/01; 95-19-098, § 356-18-220, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-12-033 (Order 403), § 356-18-220, filed 5/28/92, effective 7/1/92. Statutory Authority: RCW 41.06.150. 89-16-030 (Order 327), § 356-18-220, filed 7/25/89, effective 9/1/89; 89-06-028 (Order 314), § 356-18-220, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-220, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-220, filed 10/5/81; 78-10-070 (Order 123), § 356-18-220, filed 9/26/78; Order 36, § 356-18-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-200.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-080	Applications—Disqualification—Notice requirements. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-22-080, filed 3/26/86, effective 5/1/86; Order 87, § 356-22-080, filed 5/4/76; Order 81, § 356-22-080, filed 8/21/75, effective 9/21/75*; Order 56, § 356-22-080, filed 6/25/73; Order 36, § 356-22-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-130.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
Chapter 356-22 RECRUITMENT—EXAMINATIONS		356-22-090	Examinations—Composition. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-090, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-036 (Order 390), § 356-22-090, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-22-090, filed 6/15/81; Order 49, § 356-22-090, filed 8/17/72; Order 44, § 356-22-090, filed 4/14/72; Order 36, § 356-22-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-180 and 356-16-190.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-22-010	Examination—Announcements. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-010, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-05-029 (Order 338), § 356-22-010, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-010, filed 1/2/87; Order 63, § 356-22-010, filed 2/26/74; Order 36, § 356-22-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-010.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-100	Examinations—Time and place. [Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-100, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-100, filed 5/12/78; Order 36, § 356-22-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-150.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-22-020	Recruitment—Time periods—Requirements. [Order 36, § 356-22-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-020.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-111	Examinations—Use of aids by applicants. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-05-029 (Order 338), § 356-22-111, filed 2/13/90, effective 4/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-22-030	Recruitment—Promotional—Notice requirements. [Order 36, § 356-22-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-040 and 356-16-050.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-22-120	Examinations—Promotional—Evaluations—Regulations. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-15-078 (Order 379), § 356-22-120, filed 7/23/91, effective 9/1/91; 91-02-028 (Order 364), § 356-22-120, filed 12/24/90, effective 2/1/91; 90-05-029 (Order 338), § 356-22-120, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-22-120, filed 9/22/82; 78-06-017 (Order 120), § 356-22-120, filed 5/12/78; Order 49, § 356-22-120, filed 8/17/72; Order 42, § 356-22-120, filed 1/11/72; Order 36, § 356-22-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-020.] Repealed
356-22-035	College recruitment program purpose. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-066 (Order 407), § 356-22-035, filed 6/26/92, effective 9/1/92.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-22-036	College recruitment program—General provisions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-22-036, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-066 (Order 407), § 356-22-036, filed 6/26/92, effective 9/1/92.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		

- by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-125 Examinations—Desirable qualifications. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 93-23-069 (Order 434), § 356-22-125, filed 11/16/93, effective 12/17/93.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-22-130, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-071 (Order 369), § 356-22-130, filed 1/16/91, effective 3/1/91. Statutory Authority: RCW 41.06.150(17). 80-06-033 (Order 144), § 356-22-130, filed 5/9/80; 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-132 Applications—Minimum qualifications—Volunteer experience. [Order 74, § 356-22-132, filed 3/7/75.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-135 Applications—Minimum qualifications—Education—Substitution. [Order 47, § 356-22-135, filed 6/14/72.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-140 Applications—Reexamination. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-026 (Order 362), § 356-22-140, filed 12/24/90, effective 2/1/91; Order 36, § 356-22-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-170.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-150 Applications—Special. [Order 36, § 356-22-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-230.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-160 Examination ratings—Computation. [Statutory Authority: RCW 41.06.150. 01-17-081, § 356-22-160, filed 8/16/01, effective 9/16/01; Order 49, § 356-22-160, filed 8/17/72; Order 36, § 356-22-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-200.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-180 Examination—Oral examining panel. [Statutory Authority: RCW 41.06.150. 99-19-114, § 356-22-180, filed 9/21/99, effective 11/1/99; 99-05-043, § 356-22-180, filed 2/12/99, effective 4/1/99; 98-19-034, § 356-22-180, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-22-180, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-22-180, filed 3/9/78; Order 36, § 356-22-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-220.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-190 Examinations—Medical. [Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-190, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-190, filed 5/12/78; Order 36, § 356-22-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-240.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-200 Examination—Verification of application content. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-200, filed 5/12/78; Order 36, § 356-22-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-140.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-210 Examinations—Records and retention. [Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-22-210, filed 5/22/85; Order 36, § 356-22-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-250.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-220 Veterans scoring in examinations. [Statutory Authority: RCW 41.06.150. 03-20-010, § 356-22-220, filed 9/19/03, effective 9/19/03; 02-15-052, § 356-22-220, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-22-220, filed 9/10/98, effective 10/12/98; 96-11-060, § 356-22-220, filed 5/10/96, effective 6/6/96; 84-14-006 (Order 207), § 356-22-220, filed 6/22/84; Order 68, § 356-22-220, filed 6/25/74; Order 36, § 356-22-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-260.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-230 Examinations—Noncompetitive. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-22-230, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-22-230, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-22-230, filed 10/15/79, effective 1/1/80; Order 77, § 356-22-230, filed 5/7/75, effective 6/7/75; Order 71, § 356-22-230, filed 12/30/74; Order 36, § 356-22-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-280.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-22-240 Examinations—Score records—Duration of maintenance. [Order 36, § 356-22-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-310.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-26 REGISTERS—CERTIFICATION

- 356-26-010 Registers—Responsibility—Duration—Maintenance. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-26-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-26-010, filed 1/2/87; Order 77, § 356-26-010, filed 5/7/75; Order 36, § 356-26-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-320.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-26-020 Registers—Appointments—How made. [Order 36, § 356-26-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-290.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-26-030 Register designation. [Statutory Authority: RCW 41.06.150. 04-11-046, § 356-26-030, filed 5/13/04, effective 7/1/04; 01-19-032, § 356-26-030, filed 9/13/01, effective 10/14/01; 98-19-034, § 356-26-030, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-10-008, § 356-26-030, filed 4/21/94, effective 5/31/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-088 (Order 421), § 356-26-030, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-26-030, filed 6/24/85; 85-05-030 (Order 217), § 356-26-030, filed 2/15/85; 84-14-006 (Order 207), § 356-26-030, filed 6/22/84; 84-11-091 (Order 204), § 356-26-030, filed 5/23/84, effective 9/1/84; 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340, 356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements. [Statutory Authority: RCW 41.06.150. 02-03-062, § 356-26-040, filed 1/10/02, effective 3/1/02; 01-17-082, § 356-26-040, filed 8/16/01, effective 9/16/01; 00-10-026, § 356-26-040, filed 4/24/00, effective 6/1/00; 98-19-034, § 356-26-040, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-02-040 (Order 414), § 356-26-040, filed 1/5/93, effective 2/1/93; 91-13-041 (Order 375), § 356-26-040, filed 6/14/91, effective 8/1/91. Statutory Authority: RCW 41.06.150. 87-13-072 (Order 279), § 356-26-040, filed 6/17/87, effective 8/1/87; 87-02-038 (Order 267), § 356-26-040, filed 1/2/87; 85-21-113 (Order 237), § 356-26-040, filed

	10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-26-090	Certification—Underfill. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-090, filed 9/20/95, effective 11/1/95; 87-03-032 (Order 269), § 356-26-090, filed 1/14/87, effective 3/1/87; Order 36, § 356-26-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-044.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-26-050	Certification—Requests for. [Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-26-050, filed 9/7/88, effective 11/1/88; Order 40, § 356-26-050, filed 12/10/71; Order 36, § 356-26-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-010.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-26-100	Certification—Local areas—Conditions. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-26-100, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 83-08-010 (Order 181), § 356-26-100, filed 3/25/83; Order 36, § 356-26-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-050.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-26-060	Certification—General methods. [Statutory Authority: RCW 41.06.150. 02-15-044, § 356-26-060, filed 7/11/02, effective 9/1/02; 99-05-043, § 356-26-060, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-26-060, filed 9/22/93, effective 10/23/93; 93-08-048 (Order 416), § 356-26-060, filed 4/2/93, effective 5/3/93; 91-02-030 (Order 366), § 356-26-060, filed 12/24/90, effective 2/1/91; 90-12-022 (Order 348), § 356-26-060, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 87-24-025 (Order 284), § 356-26-060, filed 11/24/87, effective 1/1/88; 87-02-038 (Order 267), § 356-26-060, filed 1/2/87; 86-21-114 (Order 261), § 356-26-060, filed 10/20/86, effective 12/1/86; 85-23-048 (Order 238), § 356-26-060, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-26-110	Certification—Actions required. [Statutory Authority: RCW 41.06.150. 99-03-044, § 356-26-110, filed 1/15/99, effective 3/1/99; Order 40, § 356-26-110, filed 12/10/71; Order 36, § 356-26-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-070.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-26-120	Certification—Errors—Correction. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-009 (Order 396), § 356-26-120, filed 12/20/91, effective 2/1/92. Statutory Authority: RCW 41.06.150. 89-02-010 (Order 311), § 356-26-120, filed 12/28/88, effective 2/1/89; Order 76, § 356-26-120, filed 3/31/75; Order 36, § 356-26-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-26-130	Certification—Selective—When permitted. [Statutory Authority: RCW 41.06.150. 02-03-063, § 356-26-130, filed 1/10/02, effective 3/1/02; 87-02-038 (Order 267), § 356-26-130, filed 1/2/87; 85-07-060 (Order 219), § 356-26-130, filed 3/20/85. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-130, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-130, filed 10/15/79, effective 1/1/80; Order 69, § 356-26-130, filed 9/30/74; Order 47, § 356-26-130, filed 6/14/72; Order 39, § 356-26-130, filed 9/15/71; Order 36, § 356-26-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-090.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		356-26-140	Background check requirements—Department of social and health services and department of services for the blind. [Statutory Authority: RCW 41.06.150. 04-11-046, § 356-26-140, filed 5/13/04, effective 7/1/04; 02-07-050, § 356-26-140, filed 3/14/02, effective 5/1/02; 01-19-032, § 356-26-140, filed 9/13/01, effective 10/14/01. Statutory Authority: RCW 41.06.150 and chapters 43.43 and 72.23 RCW. 89-19-062 (Order 329), § 356-26-140, filed 9/20/89, effective 10/21/89. Statutory Authority: RCW 41.06.150. 87-06-024 (Order 271), § 356-26-140, filed 2/24/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-26-070	Certification—Registers—Order of rank—Exception. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-26-070, filed 2/12/99, effective 4/1/99; 95-19-098, § 356-26-070, filed 9/20/95, effective 11/1/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-10-008, § 356-26-070, filed 4/21/94, effective 5/31/94. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-26-070, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-26-070, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed 10/5/81; 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-26-075	Certification—Registers—Exception—Agencies merging. [Statutory Authority: Chapter 41.06 RCW and 41.06.150. 93-22-081 (Order 433), § 356-26-075, filed 11/1/93, effective 12/2/93.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
356-26-080	Certification—Exhausted registers—Procedure. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-080, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-26-080, filed 9/7/88, effective 11/1/88; Order 36, § 356-26-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-040.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		

Chapter 356-30

APPOINTMENTS—SEPARATIONS

356-30-005	Appointments—Permitted within rules. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-30-005, filed 5/12/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-007	Appointment—Authority—Delegation of. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-007, filed 9/22/82.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-010	Appointments—Bona fide occupational qualifications. [Statutory Authority: RCW 41.06.150. 99-05-043, § 356-30-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-30-010, filed 1/2/87; Order 36, § 356-30-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-105.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Title 356

Title 356 WAC: Personnel—General Government

356-30-012	Department of social and health services—Background check requirements. [Statutory Authority: RCW 41.06.150. 01-19-032, § 356-30-012, filed 9/13/01, effective 10/14/01.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-120	Part-time employment—Rights acquired. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-010 (Order 397), § 356-30-120, filed 12/20/91, effective 2/1/92; Order 36, § 356-30-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-310.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-015	Appointments—Prohibition of multiple appointments to single position—Exceptions. [Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-30-015, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150(17). 78-10-092 (Order 124), § 356-30-015, filed 10/2/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-130	Seasonal career employment. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-088 (Order 421), § 356-30-130, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-30-130, filed 5/2/84; 84-02-030 (Order 194), § 356-30-130, filed 12/30/83; Order 58, § 356-30-130, filed 9/10/73; Order 36, § 356-30-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-290.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-025	Nonpermanent appointments—Duration. [Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-025, filed 3/14/02, effective 5/1/02; 89-04-027 (Order 313), § 356-30-025, filed 1/25/89, effective 3/1/89; 88-21-028 (Order 309), § 356-30-025, filed 10/11/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-135	In-training appointments. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-30-135, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-030 (Order 366), § 356-30-135, filed 12/24/90, effective 2/1/91.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-050	Appointments—Emergency—How made—Status. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-30-050, filed 1/3/96, effective 2/3/96; 88-21-028 (Order 309), § 356-30-050, filed 10/11/88; 87-02-038 (Order 267), § 356-30-050, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 79-08-029 (Order 130), § 356-30-050, filed 7/16/79; Order 109, § 356-30-050, filed 9/7/77; Order 36, § 356-30-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-170.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-140	Intermittent employment—Rules—Regulations. [Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-140, filed 3/14/02, effective 5/1/02; 89-14-026 (Order 320), § 356-30-140, filed 6/26/89, effective 8/1/89; 89-04-027 (Order 313), § 356-30-140, filed 1/25/89, effective 3/1/89; 88-18-096 (Order 308), § 356-30-140, filed 9/7/88, effective 11/1/88; Order 36, § 356-30-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-200.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-060	Appointments—Underfill. [Order 36, § 356-30-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-184.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-143	Intergovernmental mobility. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-30-143, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-30-143, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-30-143, filed 9/26/78; 78-06-017 (Order 120), § 356-30-143, filed 5/12/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-065	Temporary appointments—From outside state service. [Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-065, filed 3/14/02, effective 5/1/02; 97-19-044, § 356-30-065, filed 9/11/97, effective 11/1/97; 88-18-096 (Order 308), § 356-30-065, filed 9/7/88, effective 11/1/88; 84-21-071 (Order 210), § 356-30-065, filed 10/17/84; 84-12-079 (Order 206), § 356-30-065, filed 6/6/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-145	Project employment. [Statutory Authority: RCW 41.06.150. 95-19-098, § 356-30-145, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-30-145, filed 9/7/88, effective 11/1/88; Order 112, § 356-30-145, filed 11/7/77; Order 74, § 356-30-145, filed 3/7/75; Order 51, § 356-30-145, filed 12/19/72; Order 47, § 356-30-145, filed 6/14/72; Permanent and Emergency Order 39, § 356-30-145, filed 9/15/71.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-067	Temporary appointments from within classified service. [Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-067, filed 3/14/02, effective 5/1/02; 97-19-044, § 356-30-067, filed 9/11/97, effective 11/1/97. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-067, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-14-026 (Order 320), § 356-30-067, filed 6/26/89, effective 8/1/89; 89-04-027 (Order 313), § 356-30-067, filed 1/25/89, effective 3/1/89; 88-18-096 (Order 308), § 356-30-067, filed 9/7/88, effective 11/1/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-150	Promotion—Policy. [Order 36, § 356-30-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-010.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-075	Appointments—Veterans—Noncompetitive. [Statutory Authority: RCW 41.06.150. 00-10-026, § 356-30-075, filed 4/24/00, effective 6/1/00; 87-02-039 (Order 268), § 356-30-075, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-30-075, filed 10/15/79, effective 1/1/80.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-160	Eligibility for promotional examination and certification. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-160, filed 9/22/82; Order 36, § 356-30-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-040.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-090	Temporary employment—Employment—Permanent employees—Status. [Order 36, § 356-30-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-280.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-170	Promotion—Underfill. [Order 36, § 356-30-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-054.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-100	Termination of temporary employment—Notice. [Order 36, § 356-30-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-270.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-180	Transfer requiring relocation of position with incumbent—Domiciliary movement. [Statutory Authority: RCW 41.06.150. 87-24-024 (Order 283), § 356-30-180, filed 11/24/87, effective 1/1/88; Order 112, § 356-30-180, filed 11/7/77; Order 36, § 356-30-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-070.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
356-30-110	Permanent part-time employment—Hiring procedure. [Order 36, § 356-30-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-300.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	356-30-190	Transfer—Within class—Agency—Permitted—Report. [Statutory Authority: RCW 41.06.150. 87-24-024 (Order 283), § 356-30-190, filed 11/24/87, effective 1/1/88; Order 36, § 356-30-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-30-200	Transfer—Between classes—Approval. [Statutory Authority: RCW 41.06.150(17). 81-01-054 (Order 150), § 356-30-200, filed 12/12/80; Order 36, § 356-30-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-090.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-210	Transfer—Between agencies—Restrictions. [Statutory Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-30-210, filed 9/26/78; Order 53, § 356-30-210, filed 1/15/73; Order 36, § 356-30-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-100.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-220	Reemployment—Status. [Order 36, § 356-30-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-110.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-230	Demotion—Voluntary. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-30-230, filed 1/3/96, effective 2/3/96; 87-24-024 (Order 283), § 356-30-230, filed 11/24/87, effective 1/1/88; 84-10-054 (Order 202), § 356-30-230, filed 5/2/84; Order 36, § 356-30-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-120, 356-24-130 (part) and 356-24-140.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-240	Elevation. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-027 (Order 412), § 356-30-240, filed 9/28/92, effective 11/1/92; Order 82, § 356-30-240, filed 9/26/75, effective 10/27/75; Order 80, § 356-30-240, filed 7/16/75; Order 36, § 356-30-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-250	Resignations—Leave penalties—Withdrawals. [Order 100, § 356-30-250, filed 3/30/77; Order 36, § 356-30-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-180.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-255	Separations—Immigration Reform and Control Act. [Statutory Authority: RCW 41.06.150. 87-13-072 (Order 279), § 356-30-255, filed 6/17/87, effective 8/1/87.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-260	Probationary period—Provisions—Status of employee. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-30-260, filed 7/8/04, effective 8/8/04; 02-15-053, § 356-30-260, filed 7/1/02, effective 9/1/02; 01-23-014, § 356-30-260, filed 11/8/01, effective 1/1/02; 99-01-052, § 356-30-260, filed 12/10/98, effective 1/11/99; 98-19-034, § 356-30-260, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-260, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-260, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-260, filed 2/19/88, effective 4/1/88. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-260, filed 9/22/82; Order 36, § 356-30-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-220.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-270	Probationary period—Dismissal—Notice—Rights acquired. [Statutory Authority: RCW 41.06.040 and 41.06.150. 89-20-003 (Order 330), § 356-30-270, filed 9/21/89, effective 11/1/89. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-270, filed 8/31/83; Order 36, § 356-30-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-240.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-280	Probationary period—Transfer, intra-agency appointment to higher class. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-280, filed 9/22/82; 82-03-030 (Order 165), § 356-30-280, filed 1/18/82; Order 36, § 356-30-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-250.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-285	Probationary period or trial service period—Appointment to higher position in Washington management service. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-04-011, § 356-30-285, filed 1/21/94, effective 3/1/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-290	Reassignment. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-290, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 82-03-030 (Order 165), § 356-30-290, filed 1/18/82; Order 36, § 356-30-290, filed 7/1/71, effective 8/1/71.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-300	Performance evaluation—Requirements—Monitoring. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-037 (Order 391), § 356-30-300, filed 9/23/91, effective 11/1/91; 89-23-070, § 356-30-300, filed 11/15/89, effective 1/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-30-300, filed 1/2/87; 85-19-078 (Order 230), § 356-30-300, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-300, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-300, filed 8/31/83. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-300, filed 9/22/82; 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-305	Trial service period—Provision. [Statutory Authority: RCW 41.06.150. 02-15-053, § 356-30-305, filed 7/11/02, effective 9/1/02; 01-23-014, § 356-30-305, filed 11/8/01, effective 1/1/02; 99-01-052, § 356-30-305, filed 12/10/98, effective 1/11/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-305, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-305, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-305, filed 2/19/88, effective 4/1/88; 84-11-091 (Order 204), § 356-30-305, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-310	Trial service—Counseling—Training. [Order 36, § 356-30-310, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-270.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-315	Reversion from Washington management service. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-30-315, filed 1/3/96, effective 2/3/96. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-04-011, § 356-30-315, filed 1/21/94, effective 3/1/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-320	Trial service—Reversion—Status. [Statutory Authority: RCW 41.06.150. 01-07-055, § 356-30-320, filed 3/19/01, effective 5/1/01; 98-19-034, § 356-30-320, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-13-042 and 91-21-080 (Orders 376 and 376A), § 356-30-320, filed 6/14/91 and 10/18/91, effective 8/1/91 and 11/18/91; 90-05-028 (Order 339), § 356-30-320, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-30-320, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-30-320, filed 9/16/80; Order 43, § 356-30-320, filed 3/17/72; Order 36, § 356-30-320, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-260.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
356-30-330	Reduction in force—Reasons, regulations—Procedure. [Statutory Authority: RCW 41.06.150. 04-11-046, § 356-30-330, filed 5/13/04, effective 7/1/04; 01-19-032, § 356-30-330, filed 9/13/01, effective 10/14/01; 96-02-073, § 356-30-330, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-026 and 92-22-042 (Orders 411 and 411A), § 356-30-330, filed 9/28/92 and 10/27/92, effective 11/1/92 and 11/27/92; 91-23-106 (Order 394), § 356-30-330, filed 11/20/91, effective 12/21/91. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-30-330, filed 9/7/88, effective 11/1/88; 87-06-024 (Order 271), §	

- 356-30-330, filed 2/24/87; 85-19-080 (Order 232), § 356-30-330, filed 9/18/85; 85-09-030 (Order 221), § 356-30-330, filed 4/12/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-330, filed 8/10/84. Statutory Authority: RCW 41.06.150, 83-24-002 (Order 193), § 356-30-330, filed 11/28/83; 83-13-091 (Order 186), § 356-30-330, filed 6/17/83; 83-08-010 (Order 181), § 356-30-330, filed 3/25/83; 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-330, filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-30-331 Reduction in force—Transition pool program. [Statutory Authority: RCW 41.06.150, 02-07-050, § 356-30-331, filed 3/14/02, effective 5/1/02; 01-11-113, § 356-30-331, filed 5/22/01, effective 7/1/01; 01-07-055, § 356-30-331, filed 3/19/01, effective 5/1/01; 00-11-122, § 356-30-331, filed 5/22/00, effective 7/1/00. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 93-16-022, § 356-30-331, filed 7/23/93, effective 8/23/93.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-30-335 Reduction in force—Voluntary leave without pay—Return—Procedures. [Statutory Authority: RCW 41.06.150(17), 82-09-022 (Order 169), § 356-30-335, filed 4/12/82.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-34

DISCIPLINARY ACTIONS—APPEALS

- 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal. [Statutory Authority: RCW 41.06.040 and 41.06.150, 91-02-030 (Order 366), § 356-34-010, filed 12/24/90, effective 2/1/91. Statutory Authority: RCW 41.06.150, 85-19-078 (Order 230), § 356-34-010, filed 9/18/85; Order 36, § 356-34-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-330.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-011 Appointing authority—Delegation of. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-34-011, filed 9/22/82.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-012 Dismissal—Failure to comply with a union shop requirement. [Order 89, § 356-34-012, filed 6/30/76, effective 7/31/76; Order 57, § 356-34-012, filed 7/31/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-020 Reduction in salary—Demotion—Procedure. [Statutory Authority: RCW 41.06.150, 88-03-043 (Order 292), § 356-34-020, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-020, filed 6/17/83; Order 89, § 356-34-020, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-340.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-030 Suspension—Duration—Procedure. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 95-03-090, § 356-34-030, filed 1/18/95, effective 3/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150, 92-20-025 (Order 410), § 356-34-030, filed 9/28/92, effective 11/1/92; 90-01-111 (Order 330), § 356-34-030, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150, 88-03-043 (Order 292), § 356-34-030, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-030, filed 6/17/83; Order 89, § 356-34-030, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-350.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-040 Dismissal—Notification. [Statutory Authority: RCW 41.06.150, 88-03-043 (Order 292), § 356-34-040, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-040, filed 6/17/83; Order 102, § 356-34-040, filed 5/13/77; Emergency Order 101, § 356-34-040, filed 3/30/77; Order 36, § 356-34-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-360.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-045 Notice to employee. [Statutory Authority: RCW 41.06.150, 88-03-043 (Order 292), § 356-34-045, filed 1/19/88, effective 3/1/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-050 Suspension—Followed by dismissal. [Statutory Authority: RCW 41.06.150, 88-03-043 (Order 292), § 356-34-050, filed 1/19/88, effective 3/1/88; Order 87, § 356-34-050, filed 5/4/76, effective 6/5/76; Order 36, § 356-34-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-370.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-060 Unauthorized absence—Presumption of abandonment—Procedure. [Statutory Authority: RCW 41.06.040 and 41.06.150, 92-08-009 (Order 402), § 356-34-060, filed 3/20/92, effective 5/1/92. Statutory Authority: RCW 41.06.150, 83-13-091 (Order 186), § 356-34-060, filed 6/17/83; Order 36, § 356-34-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-380.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-070 Demotion—Suspension—Reduction—Dismissal—Withdrawal of charges by appointing authority—Time limitation. [Order 36, § 356-34-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-390.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-080 Appeals from disciplinary actions, presumed abandonment, violations of law or rules—Filing period. [Statutory Authority: RCW 41.06.150(17), 81-23-031 (Order 163), § 356-34-080, filed 11/16/81; Order 89, § 356-34-080, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-010, 356-28-040, 356-28-050.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-090 Protests—Requirements for applicants, examinees, and eligibles. [Statutory Authority: RCW 41.06.150, 01-19-032, § 356-34-090, filed 9/13/01, effective 10/14/01; 98-19-034, § 356-34-090, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150, 93-02-040 (Order 414), § 356-34-090, filed 1/5/93, effective 2/1/93. Statutory Authority: RCW 41.06.150, 87-13-040 (Order 278), § 356-34-090, filed 6/15/87, effective 8/1/87; 87-06-024 (Order 271), § 356-34-090, filed 2/24/87; 86-08-035 (Order 244), § 356-34-090, filed 3/26/86, effective 5/1/86; Order 87, § 356-34-090, filed 5/4/76, effective 6/5/76; Order 81, § 356-34-090, filed 8/21/75, effective 9/21/75; Permanent and Emergency Order 50, § 356-34-090, filed 10/19/72; Order 36, § 356-34-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-020.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-100 Agency hearings—General provisions. [Statutory Authority: RCW 41.06.150, 98-19-034, § 356-34-100, filed 9/10/98, effective 10/12/98; Order 36, § 356-34-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-090, 356-32-100, 356-32-110, 356-32-120.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-34-260 Appeals—Correction of rating. [Statutory Authority: RCW 41.06.150, 98-19-034, § 356-34-260, filed 9/10/98, effective 10/12/98; 86-08-035 (Order 244), § 356-34-260, filed 3/26/86, effective 5/1/86; Order 36, § 356-34-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-460.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-35

DISABILITY—SEPARATION—APPEALS—PROCEDURES

- 356-35-010 Disability—Reasonable accommodation—Separation—Appeals. [Statutory Authority: RCW 41.06.040 and 41.06.150, 93-14-067 (Order 422), § 356-35-010,

filed 6/30/93, effective 8/1/93. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-35-010, filed 1/2/87; 85-14-008 (Order 224), § 356-35-010, filed 6/24/85; 84-23-059 (Order 211), § 356-35-010, filed 11/20/84; 83-24-002 (Order 193), § 356-35-010, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-37

HEARINGS—GENERAL PROCEDURES

- 356-37-010 Board hearings—Procedure—Record. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-010, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-010, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-020 Prehearing procedures—Exhibits. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-020, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-020, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-020, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-030 Filing of prehearing statements. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-030, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-030, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-030, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-040 Scheduling of hearings. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-040, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-040, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-040, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-050 Hearings—Motion for continuance—Procedure. [Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-050, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-050, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-060 Appearance by former officer or employee of the board. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-060, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-070 Ethical conduct before the board. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-070, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-070, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-080 Service of process. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-080, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-08-024, § 356-37-080, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-080, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-37-090 Computation of time. [Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-08-024, § 356-37-090, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-090, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-100

Subpoenas—Issuance—Content—Service. [Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-100, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-100, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-110

Witness fees. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-110, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-120

Proof of subpoena service. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-120, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-130

Quashing. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-130, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-130, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-140

Orders for discovery. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-140, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-140, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-150

Proof of charges. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-150, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-150, filed 3/20/90, effective 5/1/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-160

Prehearing conference. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-160, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-160, filed 3/20/96, effective 5/1/96.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-37-170

Withdrawals—Default at hearings. [Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-170, filed 3/20/96, effective 5/1/96.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-39

HUMAN RESOURCE DEVELOPMENT

- 356-39-010 Chapter purpose. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-39-010, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-010, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-020 Human resource development—Statewide philosophy/definition. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-39-020, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-39-020, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-020, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-030 Human resource development—Assignment of responsibilities. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-030, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-040 Agency job assignments for developmental purposes. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-040, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-050 Agency human resource development planning. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-050, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

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- 356-39-060 Human resource development planning. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-39-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-39-060, filed 9/16/80; 78-02-049 (Order 116), § 356-39-060, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-070 Agency evaluation of human resource development activities. [Statutory Authority: RCW 41.06.150(17). 81-01-054 (Order 150), § 356-39-070, filed 12/12/80; 80-13-047 (Order 147), § 356-39-070, filed 9/16/80; 78-02-049 (Order 116), § 356-39-070, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-080 Review of agencies' human resource development reports. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-39-080, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-080, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-090 Required managerial training. [Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-39-090, filed 9/16/80; 78-02-049 (Order 116), § 356-39-090, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-100 Tuition reimbursement—Agency authority and responsibility. [Statutory Authority: RCW 41.06.150(17). 82-01-038 (Order 164), § 356-39-100, filed 12/15/81; 78-02-049 (Order 116), § 356-39-100, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-110 Tuition reimbursement—Employee eligibility and responsibility. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-110, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-120 Education leave without pay—Agency authority and responsibility. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-120, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-130 Education leave without pay—Employee eligibility and responsibility. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-130, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-39-140 Provisions for considering training as time worked. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-140, filed 1/19/78.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

**Chapter 356-42
LABOR RELATIONS**

- 356-42-010 Membership in employee organization. [Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-010, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-42-010, filed 9/10/98, effective 10/12/98; 89-02-011 (Order 312), § 356-42-010, filed 12/28/88, effective 2/1/89. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-42-010, filed 9/16/80; Order 69, § 356-42-010, filed 9/30/74; Order 36, § 356-42-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-010.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-042 Election provisions—General. [Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-042, filed 7/11/02, effective 9/1/02; 88-18-010 (Order 307), § 356-42-042, filed 8/26/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-043 Union shop requirements. [Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-043, filed 12/28/88, effective 2/1/89; 88-18-010 (Order 307), § 356-42-043, filed 8/26/88; Order 57, § 356-42-043, filed 7/31/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

- 356-42-045 Union shop elections. [Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-045, filed 7/11/02, effective 9/1/02; 89-02-011 (Order 312), § 356-42-045, filed 12/28/88, effective 2/1/89; 88-18-010 (Order 307), § 356-42-045, filed 8/26/88; Order 69, § 356-42-045, filed 9/30/74; Order 57, § 356-42-045, filed 7/31/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-047 Union shop decertification. [Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-047, filed 12/28/88, effective 2/1/89; Order 57, § 356-42-047, filed 7/31/73.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-050 Contents of written agreements. [Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-050, filed 12/28/88, effective 2/1/89; 84-21-071 (Order 210), § 356-42-050, filed 10/17/84; Order 57, § 356-42-050, filed 7/31/73; Order 49, § 356-42-050, filed 8/17/72; Order 36, § 356-42-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-050.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-055 Arbitration—Grievance—Procedure. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-055, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-42-055, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-08-020 (Order 340), § 356-42-055, filed 3/28/90, effective 5/1/90; 89-19-063 (Order 331), § 356-42-055, filed 9/20/89, effective 10/21/89. Statutory Authority: RCW 41.06.150. 88-18-010 (Order 307), § 356-42-055, filed 8/26/88; 84-23-059 (Order 211), § 356-42-055, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-055, filed 10/26/82.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-090 Impasse mediation. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-090, filed 10/26/82; Order 36, § 356-42-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-060.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-100 Impasse arbitration. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-100, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-100, filed 10/26/82; Order 36, § 356-42-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-070.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-105 Requests for arbitration. [Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-105, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-42-105, filed 9/10/98, effective 10/12/98; 88-18-010 (Order 307), § 356-42-105, filed 8/26/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-42-110 Savings provisions—Applicability—Rule construed. [Order 36, § 356-42-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-080.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

**Chapter 356-46
MISCELLANEOUS**

- 356-46-010 Political activity—Regulations. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-01-109 (Order 328), § 356-46-010, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-46-010, filed 12/22/82. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-010, filed 9/26/78; Order 75, § 356-46-010, filed 3/24/75; Order 36, § 356-46-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-140.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-020 Discrimination—Prohibitions. [Statutory Authority: RCW 41.06.150. 87-06-032 (Order 270), § 356-46-020, filed 2/27/87, effective 4/1/87. Statutory Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-46-020, filed 9/26/78; Order 36, § 356-46-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-150.] Repealed

- by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-030 Disclosure of political, religious affiliations—Prohibited. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-46-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-030, filed 9/26/78. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-030, filed 6/12/78; Order 36, § 356-46-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-160.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-040 Conflict of employment—Prohibited. [Order 36, § 356-46-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-170.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-050 Payroll certification. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-46-050, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-050, filed 6/12/78; Order 36, § 356-46-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-181.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-060 Agencies—Personnel and payroll records. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-46-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-028 (Order 354), § 356-46-060, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-46-060, filed 8/10/84. Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-46-060, filed 1/24/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-46-060, filed 10/26/82; 80-06-033 (Order 144), § 356-46-060, filed 5/9/80; Order 100, § 356-46-060, filed 3/30/77; Order 36, § 356-46-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-210, 356-32-220.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-070 Agencies—Reports on employee status changes—Requirements. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-070, filed 7/8/04, effective 8/8/04; Order 75, § 356-46-070, filed 3/24/75; Order 36, § 356-46-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-200.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-080 Agencies—Position control. [Statutory Authority: RCW 41.06.150. 96-02-073, § 356-46-080, filed 1/3/96, effective 2/3/96; Order 36, § 356-46-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-214.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-090 Personnel department—Reciprocity with other jurisdictions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-090, filed 7/8/04, effective 8/8/04; Order 36, § 356-46-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-230.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-100 Rules—Amendments—Notice. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-100, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-100, filed 6/12/78; Order 36, § 356-46-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-240.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-110 Severability. [Order 36, § 356-46-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-260.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-120 Repeals—Savings. [Order 36, § 356-46-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-270.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-125 Drug testing—Limitations—Uses. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-125, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-46-125, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-01-074, § 356-46-125, filed 12/15/94, effective 2/1/95. Statutory Authority: RCW 41.06.150. 88-03-042 (Order 291), § 356-46-125, filed 1/19/88, effective 3/1/88.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-135 Return-to-work program—Purpose. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-135, filed 7/13/90, effective 8/13/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-140 Return-to-work program—Responsibilities—State agencies. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-140, filed 7/13/90, effective 8/13/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-145 Employee eligibility in the return-to-work program. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-145, filed 7/13/90, effective 8/13/90.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-46-150 Return to work initiative program. [Statutory Authority: RCW 41.06.150. 01-11-113, § 356-46-150, filed 5/22/01, effective 7/1/01.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-48

STATE INTERNSHIP PROGRAM

- 356-48-010 State internship program—Purpose. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-010, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-48-020 State internship program—Application of rules. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-020, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-48-030 State internship program—General provisions. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-030, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-48-040 State internship program—Eligibility—Duration of internship. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-040, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-48-050 State internship program—Return rights—Benefits. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-050, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-48-060 State internship program—Completion of internship. [Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-060, filed 6/13/86, effective 8/1/86.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-49

INTERSYSTEM EMPLOYMENT

- 356-49-010 Intersystem employment—Purpose. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-010, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-010, filed 5/23/84, effective 9/1/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-49-020 Application of rules. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-020, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-020, filed 5/23/84, effective 9/1/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Title 356**Title 356 WAC: Personnel—General Government**

- 356-49-030 Eligibility—Definition. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-030, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-030, filed 5/23/84, effective 9/1/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-49-040 Intersystem movement. [Statutory Authority: RCW 41.06.150. 01-07-057, § 356-49-040, filed 3/19/01, effective 5/1/01; 98-19-034, § 356-49-040, filed 9/10/98, effective 10/12/98; 85-21-113 (Order 237), § 356-49-040, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-49-040, filed 5/23/84, effective 9/1/84.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-56**WASHINGTON MANAGEMENT SERVICE**

- 356-56-001 Declaration of purpose. [Statutory Authority: RCW 41.06.150. 02-17-115, § 356-56-001, filed 8/21/02, effective 9/30/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-001, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-002 Inclusion in the Washington management service. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-002, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-010 Application of rules. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-010, filed 7/8/04, effective 8/8/04. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-010, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-015 Implementation of rules. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-20-022, § 356-56-015, filed 9/26/94, effective 10/28/94; 94-12-055, § 356-56-015, filed 5/27/94, effective 7/1/94; 94-09-012, § 356-56-015, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-015, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-020 Role of the department of personnel. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-020, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-030 Equal opportunity and affirmative action. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-09-012, § 356-56-030, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-030, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-035 Definitions. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-035, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.500. 97-23-001, § 356-56-035, filed 11/5/97, effective 12/8/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-035, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-035, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-050 Transition. [Statutory Authority: RCW 41.06.500. 95-19-056, § 356-56-050, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-20-022, § 356-56-050, filed 9/26/94, effective 10/28/94; 94-12-055, § 356-56-050, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-050, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-070 Incumbent status for positions converted by the board from exempt to classified. [Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-070, filed 7/8/04, effective 8/8/04; 02-15-043, § 356-56-070, filed 7/11/02, effective 9/1/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

- 356-56-100 Compensation policy and practice. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-100, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-105 Position evaluation—Assignment to management bands. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-105, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-105, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-115 Salary adjustments. [Statutory Authority: RCW 41.06.500. 97-17-041, § 356-56-115, filed 8/14/97, effective 9/15/97; 96-12-004, § 356-56-115, filed 5/23/96, effective 6/6/96; 95-19-056, § 356-56-115, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-115, filed 5/27/94, effective 7/1/94; 94-09-012, § 356-56-115, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-115, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-118 Relocation compensation. [Statutory Authority: RCW 41.06.150. 99-22-106, § 356-56-118, filed 11/3/99, effective 12/6/99.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-120 Other pay practices. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-120, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-120, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-200 Recruitment and selection policy and practice. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-200, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-203 Department of social and health services—Background check requirements. [Statutory Authority: RCW 41.06.150. 01-21-051, § 356-56-203, filed 10/15/01, effective 12/1/01.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-205 Movement within Washington management service. [Statutory Authority: RCW 41.06.500. 97-17-041, § 356-56-205, filed 8/14/97, effective 9/15/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-205, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-205, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-210 Movement between Washington management service and Washington general service positions. [Statutory Authority: RCW 41.06.150. 01-03-003, § 356-56-210, filed 1/4/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-210, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-210, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-215 Acting appointments. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-215, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-220 Review period—Attaining permanent status. [Statutory Authority: RCW 41.06.150. 01-03-003, § 356-56-220, filed 1/4/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-220, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-220, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 356-56-230 Reversion. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-09-012, § 356-56-230, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-230, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-255 Return from exempt service. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-255, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-400 Training and development. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-400, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-410 Tuition reimbursement and educational leave. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-410, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-420 Human resource development plan. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-420, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-440 Performance evaluation. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-440, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-500 Disciplinary action. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-500, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-550 Reduction in force—Agency procedure—Bump options. [Statutory Authority: RCW 41.06.500. 97-17-041, § 356-56-550, filed 8/14/97, effective 9/15/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-550, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-550, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-600 Appeals. [Statutory Authority: RCW 41.06.150. 01-21-051, § 356-56-600, filed 10/15/01, effective 12/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-600, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-610 Reviews. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-610, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-630 Resignation. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-630, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-650 Record keeping. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-650, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-56-660 Administrative procedures—Rule making. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-660, filed 12/17/93, effective 1/18/94.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 356-60

COMBINED FUND DRIVE

356-60-010 Purposes and scope. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 356-60-010, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-020, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-020 Definitions. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 356-60-020, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-030, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-030 Combined Fund Drive committee established. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 356-60-030, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-010, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-032 Establishing a local CFD campaign. [Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-032, filed 5/13/04, effective 5/13/04.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-034 CFD campaign expenses. [Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-034, filed 5/13/04, effective 5/13/04.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-055 Determination of eligibility—Procedure for reconsideration. [Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-055, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-055, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

356-60-057 Decertification and disqualification. [Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-057, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-057, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-066, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Title 357 WAC PERSONNEL, DEPARTMENT OF— PERSONNEL RESOURCES BOARD

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Chapter 357-01 WAC

DEFINITIONS

WAC

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WAC 357-01-022 Anniversary date (higher education). For employees of higher education institutions or related higher education boards, anniversary date is the most recent date of hire into state service. The anniversary date is used to determine when vacation leave over two hundred forty (240) hours is lost. Higher education employers may make the anniversary date the first calendar day of the month in which the date of hire occurred. A higher education employee receives a new anniversary date when that employee is rehired following a break in state service, but not when the employee promotes, demotes, or transfers to another higher education employer.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-022, filed 5/27/05, effective 7/1/05.]

WAC 357-01-023 Anniversary date (general government). For employees of general government agencies, anniversary date is the unbroken service date plus prior state service minus leave without pay when it exceeds fifteen consecutive calendar days as provided in WAC 357-31-345. The anniversary date is used to determine when vacation leave over two hundred forty hours is lost and for computing the rate of vacation leave accrual beginning with the fifth year of total state employment.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-023, filed 5/27/05, effective 7/1/05.]

WAC 357-01-072 Child. A biological, adopted, or foster child, or a stepchild.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-072, filed 5/27/05, effective 7/1/05.]

WAC 357-01-115 Disabled veteran. For affirmative action purposes, a person:

(1) Entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more or disability rated at least 10 percent in the case of a veteran who has been determined by the Veterans Administration to have a serious employment handicap; or

(2) Whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

[Statutory Authority: Chapter 41.06 RCW. 05-19-006, § 357-01-115, filed 9/8/05, effective 10/10/05; 05-01-204, § 357-01-115, filed 12/21/04, effective 7/1/05.]

WAC 357-01-138 Emergency health condition. A sudden, generally unexpected occurrence or set of circum-

stances related to a person's health, which requires immediate action and is typically short-term in nature.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-138, filed 5/27/05, effective 7/1/05.]

WAC 357-01-172 Family members. Individuals considered to be members of the family are parent, step-parent, sister, brother, parent-in-law, spouse, grandparent, grandchild, minor/dependent child, and child.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-172, filed 5/27/05, effective 7/1/05.]

WAC 357-01-173 Furlough. The temporary cessation of an employee's service in accordance with WAC 357-46-063.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-01-173, filed 5/27/05, effective 7/1/05.]

WAC 357-01-174 Full-time employee. An employee who is scheduled to work:

- Forty hours in one workweek;
- For hospital personnel assigned to a fourteen-day schedule, eighty hours over a fourteen-day period; or
- For law enforcement positions, one hundred sixty hours in the twenty-eight-day work period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-174, filed 5/27/05, effective 7/1/05.]

WAC 357-01-182 Household members. Persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. The term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-182, filed 5/27/05, effective 7/1/05.]

WAC 357-01-202 Minor/dependent child. A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is:

- Under eighteen years of age, or
- Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

Persons who are *in loco parentis* are those with day-to-day responsibilities to care for and financially support a child.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-202, filed 5/27/05, effective 7/1/05.]

WAC 357-01-227 Parent. A biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-227, filed 5/27/05, effective 7/1/05.]

WAC 357-01-228 Parent-in-law. A biological parent of an employee's spouse or an individual who stood *in loco parentis* to an employee's spouse when the employee's spouse was a child. A person who had day-to-day responsibilities to

care for and financially support the employee's spouse when he or she was a child is considered to have stood *in loco parentis* to the employee's spouse.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-228, filed 5/27/05, effective 7/1/05.]

WAC 357-01-229 Part-time employee. An employee who is scheduled to work less than that required for a full-time employee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-229, filed 5/27/05, effective 7/1/05.]

WAC 357-01-301 Separation. Separation from state employment for nondisciplinary purposes.

[Statutory Authority: Chapter 41.06 RCW. 05-12-092, § 357-01-301, filed 5/27/05, effective 7/1/05; 05-08-134, § 357-01-301, filed 4/6/05, effective 7/1/05.]

WAC 357-01-348 Unbroken service date (general government). The date a general government employee began current continuous state service. This date is used for computing the rate of vacation leave accrual through and including the employee's fourth year of continuous service. The unbroken service date is adjusted by leave without pay when it exceeds fifteen consecutive calendar days as provided in WAC 357-31-345.

[Statutory Authority: Chapter 41.06 RCW. 05-12-093, § 357-01-348, filed 5/27/05, effective 7/1/05.]

WAC 357-01-360 Washington general service (WGS). The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which are not exempt under RCW 41.06.070 and which do not meet the definition of manager found in RCW 41.06.022.

[Statutory Authority: Chapter 41.06 RCW. 05-12-091, § 357-01-360, filed 5/27/05, effective 7/1/05.]

WAC 357-01-365 Washington management service (WMS). The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500.

[Statutory Authority: Chapter 41.06 RCW. 05-12-091, § 357-01-365, filed 5/27/05, effective 7/1/05.]

Chapter 357-04 WAC GENERAL PROVISIONS

WAC

357-04-105

When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided?

WAC 357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided? (1) Except as provided in chapters 357-40 and 357-52 WAC, when the civil service rules require an applicant, candidate, employee, or employer to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

(2) Except as provided in chapters 357-40 and 357-52 WAC, service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

[Statutory Authority: Chapter 41.06 RCW. 05-12-079, § 357-04-105, filed 5/27/05, effective 7/1/05; 05-01-203, § 357-04-105, filed 12/21/04, effective 7/1/05.]

Chapter 357-13 WAC CLASSIFICATION

WAC

357-13-090

How is an employee affected when his/her position is reallocated?

WAC 357-13-090 How is an employee affected when his/her position is reallocated?

This table is used to determine how an employee whose position is reallocated is affected.			
	Employee's position reallocated to:		
	Class with a higher salary range maximum	Class with an equal salary range maximum	Class with a lower salary range maximum
Reallocation results from:			
A position review requested by the employee or initiated by the employer	<p><i>If the employee has performed the higher level duties for at least six months and meets the competencies and other position requirements:</i></p> <p>→ The employee remains in the position and is appointed with permanent status provided the probationary or trial service period for the</p>	<p><i>If the employee meets the competencies and other position requirements:</i></p> <p>→ The employee remains in the position and retains existing appointment status.</p>	<p><i>If the employee meets the competencies and other position requirements and chooses to remain in the reallocated position:</i></p> <p>→ The employee retains appointment status; has the right to be placed on the employer's internal layoff</p>

	<p>class to which the position is reallocated is six months in duration. If the probationary period or trial service period is longer than six months and the employee has not performed higher level duties for the length of the probationary period or trial service period, the employer may require the employee serve the remainder of the probationary or trial service period before gaining permanent status in the reallocated position.</p> <p><i>If the reallocation is the result of a change in the duties of the position and the employee has not performed the higher level duties for six months or more:</i></p> <p>→ The employer must give the employee the opportunity to compete for the position. The employer may choose to promote the employee without competition as long as the employee meets the competencies and any other position requirements.</p> <p>If the employee is not selected for the position, the employer's layoff procedure applies. If the employee is appointed, the employee must serve a trial service period.</p> <p>Upon appointment to the higher class, the employee's base salary must be increased a minimum of a two step increase, not to exceed the top step of the range as provided in WAC 357-28-115.</p>		<p>list; and has his/her salary set in accordance with WAC 357-28-120.</p>
		<p>→ The employee retains the previous base salary in accordance with WAC 357-28-120.</p> <p><i>If the employee does not meet the competencies and other position requirements:</i></p> <p>→ The employer's layoff procedure applies.</p>	<p><i>If the employee chooses to vacate the position or does not meet the competencies and other position requirements:</i></p> <p>→ The employer's layoff procedure applies.</p>
The director implementing a new classification plan under provisions of RCW 41.06.136 or revising the classification plan.	The employee remains in the position and keeps existing appointment status. See WAC 357-28-125 and 357-28-130 for determining the employee's salary. ³		

[Statutory Authority: Chapter 41.06 RCW. 05-12-088, § 357-13-090, filed 5/27/05, effective 7/1/05; 05-01-201, § 357-13-090, filed 12/21/04, effective 7/1/05.]

Chapter 357-16 WAC RECRUITMENT, ASSESSMENT, AND CERTIFICATION

WAC

357-16-105	Must an employee be granted leave with pay to take an examination or participate in an interview during scheduled work hours?
357-16-110	Do veterans receive any preference in the hiring process?
357-16-130	In what order are eligible candidates certified to the employing official for hiring consideration?
357-16-135	When may an employer certify candidates for affirmative action purposes?

WAC 357-16-105 Must an employee be granted leave with pay to take an examination or participate in an interview during scheduled work hours? In accordance with

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WAC 357-31-325, an employee must be granted leave with pay to take an examination or participate in an interview during scheduled work hours when applying or being considered for a position with a state agency, higher education institution or related higher education board.

[Statutory Authority: Chapter 41.06 RCW. 05-21-054, § 357-16-105, filed 10/13/05, effective 11/15/05; 05-01-200, § 357-16-105, filed 12/21/04, effective 7/1/05.]

WAC 357-16-110 Do veterans receive any preference in the hiring process? (1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW 41.04.010.

(2) If no examination is administered prior to certification, the employer must refer the following individuals to the employing official under the provisions of RCW 73.16.010 as long as the individual meets the competencies and other position requirements:

- (a) Eligible veterans;
- (b) Surviving spouses of eligible veterans; or
- (c) Spouses of honorably discharged veterans who have a service connected permanent and total disability.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-16-110, filed 5/27/05, effective 7/1/05; 05-01-200, § 357-16-110, filed 12/21/04, effective 7/1/05.]

WAC 357-16-130 In what order are eligible candidates certified to the employing official for hiring consideration? Only eligible candidates who satisfy the competencies and other requirements of the position to be filled will be certified. The order for certifying must follow these criteria:

(1) If there are names on the employer's internal layoff list for the class, all eligible candidates on the internal layoff list are certified to the employing official. Internal promotional candidates, as defined by the employer's promotional policy, may also be certified.

(2) If there are no names on the internal layoff list, the employer:

(a) Must certify:

- All statewide layoff candidates who satisfy the competencies and other position requirements; and
- For general government employers, all transition pool candidates who satisfy the competencies and other position requirements.

(b) May then certify other available eligible candidates. Any preference granted to promotional candidates must be in accordance with the employer's promotional policies as required by WAC 357-16-150.

[Statutory Authority: Chapter 41.06 RCW. 05-12-083, § 357-16-130, filed 5/27/05, effective 7/1/05; 05-01-200, § 357-16-130, filed 12/21/04, effective 7/1/05.]

WAC 357-16-135 When may an employer certify candidates for affirmative action purposes? An employer may use supplemental certification to add to the certified pool when:

(1) Per the employer's certification procedure, the number of eligible candidates being certified is fewer than the total number of candidates eligible for certification;

(2) The employer's approved affirmative action plan shows that a goal exists in the job category for the particular affected group; and

(3) There are no individuals on the internal layoff list for the class who satisfy the competencies and other position requirements for the position.

[Statutory Authority: Chapter 41.06 RCW. 05-21-061, § 357-16-135, filed 10/13/05, effective 11/15/05; 05-16-043, § 357-16-135, filed 7/27/05, effective 9/1/05; 05-01-200, § 357-16-135, filed 12/21/04, effective 7/1/05.]

Chapter 357-19 WAC

APPOINTMENT AND REEMPLOYMENT

WAC

357-19-025 When must an employee serve a trial service period?

357-19-030

When may an employee be required to serve a trial service period?

357-19-035

When is a trial service period not allowed for an employee who is reverted to a position?

357-19-080

What happens if a permanent employee accepts a non-permanent appointment during a trial service period?

357-19-090

Must employers have a policy on probationary and trial service periods?

357-19-115

To which employer and position would an employee revert?

357-19-125

What happens to a permanent Washington management service (WMS) employee who promotes, transfers or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period?

357-19-181

When is an employee appointed to a position with permanent status?

357-19-183

Must DSHS conduct background checks on all employees in covered positions and applicants under final consideration for a covered position?

357-19-184

Besides the department of social and health services, may other employers conduct background checks on applicants or employees and what is the requirement to notify applicants or employees?

357-19-185

What is a covered position for purposes of WAC 357-19-183?

357-19-186

For purposes of WAC 357-19-183, what information is considered in a background check conducted by DSHS and what are the results of the background check used for?

357-19-187

For purposes of WAC 357-19-183, must an employee and/or applicant authorize the secretary of the department of social and health services or designee to conduct a background check and what happens if the employee or applicant does not provide authorization?

357-19-188

What happens when a permanent DSHS employee is disqualified because of a background check?

357-19-189

What are the responsibilities of the secretary of the DSHS in carrying out the requirement to conduct background checks?

357-19-191

Does a permanent employee of DSHS who is disqualified from a covered position as a result of a background check have the right to request a review of the disqualification?

357-19-300

What is a seasonal appointment?

357-19-301

Does chapter 357-16 WAC apply to seasonal appointments?

357-19-302

Do employees appointed to seasonal appointments serve a probationary period and gain permanent status?

357-19-303

What provisions govern the layoff of employees from seasonal appointments?

357-19-350

May a permanent WGS employee accept an acting Washington management service (WMS) appointment and what notices must the employee and employer provide each other when an employee accepts the acting appointment?

357-19-353

What return rights must an employer provide to a permanent WGS employee who accepts an acting WMS appointment?

357-19-375

Can an employee receive consecutive general government nonpermanent appointments?

357-19-388

What notices must employees and their employers provide each other when an employee accepts a non-permanent appointment?

357-19-395

What return rights must an employer provide to a permanent employee who accepts a nonpermanent appointment?

357-19-475

To be eligible for reemployment following disability separation under WAC 357-19-465 what must the employee do?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

357-19-190

When is an employee appointed to a position with permanent status? [Statutory Authority: Chapter 41.06 RCW. 05-01-206, § 357-19-190, filed 12/21/04, effective 7/1/05.] Repealed by 05-12-085, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

WAC 357-19-025 When must an employee serve a trial service period? A permanent employee must serve a trial service period upon promotional appointment to a position in a class in which the employee has not held permanent status.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-19-025, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-025, filed 12/21/04, effective 7/1/05.]

WAC 357-19-030 When may an employee be required to serve a trial service period? A permanent employee who transfers, voluntarily demotes, is elevated, or is reverted to a position may be required by the employer to serve a trial service period in accordance with the employer's policy per WAC 357-19-090. (See WAC 357-46-110 for information on when an employee may be required to serve a transition review period.)

[Statutory Authority: Chapter 41.06 RCW. 05-19-009, § 357-19-030, filed 9/8/05, effective 10/10/05; 05-01-206, § 357-19-030, filed 12/21/04, effective 7/1/05.]

WAC 357-19-035 When is a trial service period not allowed for an employee who is reverted to a position? Employers are not allowed to require a trial service period when an employee is being reverted to a comparable position with the same job duties as the position in which the employee last held permanent status. The employer determines the comparability of the position.

[Statutory Authority: Chapter 41.06 RCW. 05-19-009, § 357-19-035, filed 9/8/05, effective 10/10/05.]

WAC 357-19-080 What happens if a permanent employee accepts a nonpermanent appointment during a trial service period? If a permanent employee accepts a nonpermanent appointment during a trial service period and the employer has agreed to return the employee to a position at the conclusion of the nonpermanent appointment, the employer may:

- (1) Suspend the trial service period and allow the employee to resume the trial service period when the employee returns from the nonpermanent appointment;
- (2) Require the trial service period to start over when the employee returns from the nonpermanent appointment; or
- (3) Count the time worked in the nonpermanent appointment towards the trial service period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-19-080, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-080, filed 12/21/04, effective 7/1/05.]

WAC 357-19-090 Must employers have a policy on probationary and trial service periods? Employers must publish a policy on probationary and trial service periods that minimally addresses the employer's basis for determining and notifying an employee:

- (1) When a trial service period is required upon transfer, voluntary demotion, reversion or elevation as provided in WAC 357-19-030.
- (2) When a probationary or trial service period is extended, per WAC 357-19-045 and 357-19-060; and
- (3) When a probationary or trial service period is continued, per WAC 357-19-070.

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[Statutory Authority: Chapter 41.06 RCW. 05-19-009, § 357-19-090, filed 9/8/05, effective 10/10/05; 05-01-206, § 357-19-090, filed 12/21/04, effective 7/1/05.]

WAC 357-19-115 To which employer and position would an employee revert? A permanent employee who does not satisfactorily complete the trial service period or a Washington management service (WMS) review period has reversion rights with the current employer at the time of reversion. An employee has the right to revert to a position, if available, in accordance with the following:

(1) For employees reverting from trial service following a promotion, transfer or elevation, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies competencies and other position requirements and which is:

(a) Allocated to the class the employee last held permanent status in; or

(b) If no positions are available, allocated to a class which has the same or lower salary range maximum.

(2) For employees reverting from trial service following a voluntary demotion, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies the competencies and other position requirements and which is allocated to a class which has the same or lower salary range maximum as the class from which the employee is reverting.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-19-115, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-115, filed 12/21/04, effective 7/1/05.]

WAC 357-19-125 What happens to a permanent Washington management service (WMS) employee who promotes, transfers or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period? A permanent Washington management service (WMS) employee who promotes, transfers, or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period has reversion rights in accordance with WAC 357-58-375.

[Statutory Authority: Chapter 41.06 RCW. 05-12-089, § 357-19-125, filed 5/27/05, effective 7/1/05.]

WAC 357-19-181 When is an employee appointed to a position with permanent status? An appointing authority must make a permanent status appointment of an employee under the following conditions:

(1) Upon successful completion of a probationary, trial service, or transition review period;

(2) Upon reassignment of a permanent employee who is not in trial service status;

(3) Upon transfer, demotion, reversion, or elevation when the employee is not required to serve a trial service period;

(4) Upon rehire from layoff or appointment to a position as a layoff option when a transition review period is not required;

(5) Upon the director conferring permanent status to an employee under remedial action provisions; and

(6) Upon conversion of an exempt position to the classified service, per WAC 357-19-225, if the incumbent has been employed for at least an amount of time equal to the probationary period for the class. If the incumbent has not been employed that long, the employee must serve a probationary period. The employer may count the time spent in the position prior to conversion towards the probationary period.

[Statutory Authority: Chapter 41.06 RCW. 05-19-009, § 357-19-181, filed 9/8/05, effective 10/10/05; 05-12-085, § 357-19-181, filed 5/27/05, effective 7/1/05.]

WAC 357-19-183 Must DSHS conduct background checks on all employees in covered positions and applicants under final consideration for a covered position? (1) The secretary of the department of social and health services (DSHS) or designee must conduct background checks, which may include fingerprinting as authorized by statute, on all employees in covered positions and applicants under final consideration for a covered position.

(2) The requirement for background checks must include the following:

(a) Any employee seeking a covered position because of a layoff, reallocation, transfer, promotion or demotion.

(b) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis in accordance with agency procedures authorized by WAC 357-19-189.

(3) Applicant means any person who has applied for work or serves in a covered position, including current employees requesting transfer, promotion, demotion, or otherwise requesting a move to a covered position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-183, filed 5/27/05, effective 7/1/05.]

WAC 357-19-184 Besides the department of social and health services, may other employers conduct background checks on applicants or employees and what is the requirement to notify applicants or employees? (1) Employers may conduct background checks on applicants and/or employees if required by state or federal law, or if the employer identifies the need for a background check to verify that the applicant or employee satisfies the position requirements.

(2) Employers who conduct background checks must develop procedures regarding how and when background checks will be conducted. The procedures must include notification to applicants and/or employees if a background check is required.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-184, filed 5/27/05, effective 7/1/05.]

WAC 357-19-185 What is a covered position for purposes of WAC 357-19-183? For purposes of WAC 357-19-183, a covered position is one in which a person will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-185, filed 5/27/05, effective 7/1/05.]

WAC 357-19-186 For purposes of WAC 357-19-183, what information is considered in a background check

conducted by DSHS and what are the results of the background check used for? (1) The background check information considered by the secretary of the DSHS will include but not be limited to conviction records, pending charges, and disciplinary board final decisions.

(2) The results of the background check must be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-186, filed 5/27/05, effective 7/1/05.]

WAC 357-19-187 For purposes of WAC 357-19-183, must an employee and/or applicant authorize the secretary of the department of social and health services or designee to conduct a background check and what happens if the employee or applicant does not provide authorization? An employee and/or applicant applying for or being considered to remain in a covered position must authorize the secretary of the department of social and health services or designee to conduct a background check which may include fingerprinting.

Failure to authorize the secretary of the DSHS or designee to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-187, filed 5/27/05, effective 7/1/05.]

WAC 357-19-188 What happens when a permanent DSHS employee is disqualified because of a background check? (1) A permanent employee with a background check disqualification may be subject to any of the following actions in no specific order:

- (a) Voluntary demotion;
- (b) Job restructuring;
- (c) Voluntary resignation;
- (d) Job reassignment;
- (e) Nondisciplinary separation in accordance with WAC 357-46-195; or
- (f) Disciplinary action in accordance with WAC 357-40-010.

(2) An appointing authority may use the following interim measures while exploring the availability of actions (not to exceed 30 calendar days except in cases where there are investigations of pending charges):

- (a) Voluntary use of accrued vacation, exchange, and/or compensatory time;
 - (b) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave; and/or
 - (c) Reassignment to another work location.
- (d) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(3) Before a permanent employee may be separated due to a background check disqualification, the search for a non-covered position will occur over a period of thirty calendar days.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-188, filed 5/27/05, effective 7/1/05.]

WAC 357-19-189 What are the responsibilities of the secretary of the DSHS in carrying out the requirement to conduct background checks? (1) In order to implement the requirements of WAC 357-19-183, the secretary of the DSHS or designee must:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks.

(2) Information contained in background checks must be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. The information must not be disseminated further. Dissemination and use of such information is governed by the criminal records privacy act, chapter 10.97 RCW. Unlawful dissemination of information protected by the criminal records privacy act is a criminal offense and may result in prosecution and/or disciplinary action as provided in chapter 357-40 WAC. However, results of a background check may be discoverable pursuant to the rules of civil discovery, or subject to disclosure pursuant to a public records request.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-189, filed 5/27/05, effective 7/1/05.]

WAC 357-19-191 Does a permanent employee of DSHS who is disqualified from a covered position as a result of a background check have the right to request a review of the disqualification? A permanent employee of DSHS who is disqualified from a covered position as a result of a background check has the right to present to the secretary of the DSHS or designee evidence that mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(1) The employee's background check authorization and disclosure form;

(2) The employee's age at the time of conviction, charge, or disciplinary board final decision;

(3) The nature and severity of the conviction, charge, or disciplinary board final decision;

(4) The length of time since the conviction, charge, or disciplinary board final decision;

(5) The nature and number of previous offenses;

(6) Vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee will or may have unsupervised access; and

(7) The relationship between the potentially disqualifying event and the duties of the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-097, § 357-19-191, filed 5/27/05, effective 7/1/05.]

WAC 357-19-300 What is a seasonal appointment? A seasonal appointment is an appointment made by general government employers that is cyclical in nature, recurs at approximately the same time each year, and lasts for a minimum of five months but less than twelve months in duration during any consecutive twelve-month period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-076, § 357-19-300, filed 5/27/05, effective 7/1/05.]

WAC 357-19-301 Does chapter 357-16 WAC apply to seasonal appointments? Seasonal appointments must be made accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-076, § 357-19-301, filed 5/27/05, effective 7/1/05.]

WAC 357-19-302 Do employees appointed to seasonal appointments serve a probationary period and gain permanent status? General government employees who do not have permanent status and receive a seasonal appointment must complete a probationary period. The probationary period may be completed in consecutive seasonal appointments with the same employer. Upon completion of the probationary period, employees in seasonal appointments gain permanent status.

[Statutory Authority: Chapter 41.06 RCW. 05-12-076, § 357-19-302, filed 5/27/05, effective 7/1/05.]

WAC 357-19-303 What provisions govern the layoff of employees from seasonal appointments? (1) Employers may take actions to layoff employees in seasonal appointments in accordance with WAC 357-46-005 and 357-46-010.

(2) Employers who use seasonal appointments must address the following within their layoff procedures:

(a) Definition of seasonal layoff units.

(b) Description of separate internal layoff lists for seasonal positions.

(c) Notification of layoff for employees in seasonal appointments.

(i) Probationary employees in seasonal appointments must receive at least one calendar day's notice.

(ii) Permanent employees in seasonal appointments must receive at least two working days' notice.

(d) Layoff options in accordance with WAC 357-46-035 within the seasonal layoff unit for seasonal employees being laid off.

[Statutory Authority: Chapter 41.06 RCW. 05-12-076, § 357-19-303, filed 5/27/05, effective 7/1/05.]

WAC 357-19-350 May a permanent WGS employee accept an acting Washington management service (WMS) appointment and what notices must the employee and employer provide each other when an employee accepts the acting appointment? Permanent WGS employees may accept acting appointments to WMS positions.

The employee must give his/her current employer at least fourteen calendar days' written notice before moving to an acting WMS appointment. The current employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employer must notify the employee in writing of his/her return right at the conclusion of the acting WMS appointment.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. 05-12-094, § 357-19-350, filed 5/27/05, effective 7/1/05.]

WAC 357-19-353 What return rights must an employer provide to a permanent WGS employee who accepts an acting WMS appointment? At a minimum, the employer must provide the permanent employee who is leaving a WGS position with the employer to accept a WMS acting appointment access to the employer's internal layoff list at the conclusion of the acting appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of his/her intent to return to a permanent position at least fourteen (14) calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

[Statutory Authority: Chapter 41.06 RCW. 05-12-094, § 357-19-353, filed 5/27/05, effective 7/1/05.]

WAC 357-19-375 Can an employee receive consecutive general government nonpermanent appointments? Individuals may receive consecutive nonpermanent appointments as long as:

- (1) Any subsequent appointment is to a different position; or
- (2) The multiple appointments are of a seasonal nature but don't meet the definition of seasonal appointment because each appointment last less than five months in duration during any consecutive twelve-month period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-076, § 357-19-375, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-375, filed 12/21/04, effective 7/1/05.]

WAC 357-19-388 What notices must employees and their employers provide each other when an employee accepts a nonpermanent appointment? Employees who accept a nonpermanent appointment must give their current employers at least fourteen calendar days' notice before moving to a nonpermanent appointment. The current agency and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employee's permanent agency must notify the employee in writing of his/her return right at the conclusion of the nonpermanent appointment.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-19-388, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-388, filed 12/21/04, effective 7/1/05.]

WAC 357-19-395 What return rights must an employer provide to a permanent employee who accepts a nonpermanent appointment? At a minimum, the employer must provide the permanent employee who is leaving his/her position with the employer to accept a nonpermanent appointment access to the employer's internal layoff list at the

conclusion of the nonpermanent appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of his/her intent to return to a permanent position at least fourteen calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

[Statutory Authority: Chapter 41.06 RCW. 05-12-095, § 357-19-395, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-395, filed 12/21/04, effective 7/1/05.]

WAC 357-19-475 To be eligible for reemployment following disability separation under WAC 357-19-465 what must the employee do? To be eligible for reemployment the former employee must:

- (1) Complete and submit an application(s) for reemployment to the employer;
- (2) Meet the competencies and other requirements of the class and/or position for which the former employee is applying; and
- (3) Submit to the employer a statement from a licensed health care provider affirming the former employee's fitness to return to work and specifying any work restrictions due to a physical, sensory, or mental disability of the individual.

(a) If the licensed health care provider's statement provides inadequate information, the former employee will obtain the necessary clarification from the licensed health care provider or provide a release to the personnel officer/appointing authority to communicate directly with the licensed health care provider regarding the disabling condition as it relates to employment. Such information will be obtained at the former employee's expense.

(b) The employer may require that the former employee be examined by a licensed health care provider of the employer's choice at the employer's expense.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-19-475, filed 5/27/05, effective 7/1/05; 05-01-206, § 357-19-475, filed 12/21/04, effective 7/1/05.]

Chapter 357-28 WAC COMPENSATION

WAC

357-28-035	What must be addressed in the employer's salary determination policy?
357-28-050	What is the periodic increment date (PID)?
357-28-070	Can an employer adjust the timing and amount of increment increases?
357-28-075	Can an employer accelerate or defer increment increases based on performance?
357-28-165	When an exempt position is converted to classified, how is the base salary of the incumbent determined?
357-28-200	When must an employee receive holiday premium pay?
357-28-300	Is there a limit to the amount an employee can receive for performance recognition pay?
357-28-320	Must the employer develop written criteria for relocation compensation?

WAC 357-28-035 What must be addressed in the employer's salary determination policy? The employer's salary determination policy must minimally address the following:

- (1) Setting base salary for new employees;
- (2) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a position in a new class;
- (3) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a permanent position while in a nonpermanent appointment;
- (4) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;
- (5) Setting base salary when an employee accepts a lay-off option, accepts a demotion in lieu of layoff, is appointed from an internal or statewide layoff list, or is reallocated to a position with a lower range and the employee's previous base salary is not within the salary range of the new position;
- (6) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated;
- (7) Setting base salary when an employee is reverted following a voluntary demotion; and
- (8) Authorizing premiums for recruitment and retention as provided in WAC 357-28-095 and 357-28-100.

[Statutory Authority: Chapter 41.06 RCW. 05-21-061, § 357-28-035, filed 10/13/05, effective 11/15/05; 05-16-041, § 357-28-035, filed 7/27/05, effective 9/1/05; 05-01-205, § 357-28-035, filed 12/21/04, effective 7/1/05.]

WAC 357-28-050 What is the periodic increment date (PID)? The periodic increment date is the date upon which an employee is scheduled to receive an increment increase by moving to a higher salary step within the salary range for his/her current class.

[Statutory Authority: Chapter 41.06 RCW. 05-21-061, § 357-28-050, filed 10/13/05, effective 11/15/05; 05-01-205, § 357-28-050, filed 12/21/04, effective 7/1/05.]

WAC 357-28-070 Can an employer adjust the timing and amount of increment increases? Employers may adjust the timing and/or amount of regularly scheduled increment increases stated in WAC 357-28-060 by resetting the periodic increment date based on the nature of the work or training requirements. This may apply to all employees, employees in specific positions, all employees allocated to a class, or all employees in an organizational unit. This may happen as long as employees receive minimally an increase of two steps annually until their salary reaches the top step of the salary range.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-28-070, filed 5/27/05, effective 7/1/05; 05-01-205, § 357-28-070, filed 12/21/04, effective 7/1/05.]

WAC 357-28-075 Can an employer accelerate or defer increment increases based on performance? Employers who have received performance management confirmation from the director may in accordance with the employer's policy on performance-based increments:

- (1) Accelerate the timing and/or amount of regularly scheduled increment increases stated in WAC 357-28-060 by advancing the periodic increment date for individual employees. This may only happen if employees receive an increase of at least two steps every twelve months from the periodic increment date until their salary reaches the top step of the

salary range. When the periodic increment date is advanced, the employee has a new periodic increment date.

- (2) Defer scheduled increment increases by postponing the periodic increment date for individual employees whose performance is less than satisfactory. When the periodic increment date is postponed to a future date, the employee has a new periodic increment date.

[Statutory Authority: Chapter 41.06 RCW. 05-21-061, § 357-28-075, filed 10/13/05, effective 11/15/05; 05-01-205, § 357-28-075, filed 12/21/04, effective 7/1/05.]

WAC 357-28-165 When an exempt position is converted to classified, how is the base salary of the incumbent determined? If an exempt position is converted to classified status under the provisions of WAC 357-19-225, the base salary of the incumbent must not be less than the exempt salary at the time of conversion. If the employee's salary at the time of conversion exceeds the maximum of the salary range, the employee's base salary must be set outside the range in accordance with WAC 357-28-040.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-28-165, filed 5/27/05, effective 7/1/05; 05-01-205, § 357-28-165, filed 12/21/04, effective 7/1/05.]

WAC 357-28-200 When must an employee receive holiday premium pay? (1) Overtime-eligible employees who are directed to work on a designated holiday as listed in chapter 357-31 WAC must receive their regular rate of pay for the holiday. In addition, employees must receive premium pay at the overtime rate for all hours worked on the holiday. The employer may offer compensatory time off in lieu of monetary payment.

- (2) Overtime-exempt employees do not qualify for holiday premium pay unless the employer determines otherwise.

(3) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

- (a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

- (b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

[Statutory Authority: Chapter 41.06 RCW. 05-12-084, § 357-28-200, filed 5/27/05, effective 7/1/05; 05-01-205, § 357-28-200, filed 12/21/04, effective 7/1/05.]

WAC 357-28-300 Is there a limit to the amount an employee can receive for performance recognition pay? Over an annual period, performance recognition pay may not exceed fifteen percent of an employee's annual base salary unless approved by the director.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-28-300, filed 5/27/05, effective 7/1/05; 05-01-205, § 357-28-300, filed 12/21/04, effective 7/1/05.]

WAC 357-28-320 Must the employer develop written criteria for relocation compensation? An employer must develop written criteria prior to authorizing lump sum relocation compensation. The criteria must include:

- (1) A description of the circumstances for which relocation compensation will be granted; and
- (2) The method that will be used to determine the amount of relocation compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-21-056, § 357-28-320, filed 10/13/05, effective 11/15/05.]

Chapter 357-31 WAC HOLIDAYS AND LEAVE

WAC

357-31-005	For the purpose of chapter 357-31 WAC, what days are recognized as holidays?
357-31-010	Which employees qualify for holiday compensation?
357-31-015	How many hours are general government employees compensated for on a holiday?
357-31-020	For general government part-time employees, how is holiday compensation pro rated?
357-31-025	How many hours are higher education employees compensated for on a holiday?
357-31-030	What happens when a holiday falls on an employee's scheduled day off?
357-31-035	How is an employee who works on a holiday compensated?
357-31-040	What happens when a holiday as identified in WAC 357-31-005 falls on Saturday or Sunday?
357-31-045	If an employee resigns or is dismissed or separated during a month in which there is a holiday, will he/she be compensated for the holiday?
357-31-050	How is an employee's holiday determined when an employee works a night shift schedule which begins on one calendar day and ends on the next?
357-31-055	When does an employee qualify for a personal holiday?
357-31-060	How many hours are general government employees compensated for when taking a personal holiday?
357-31-065	How many hours are higher education employees compensated for when taking a personal holiday?
357-31-070	When is an employer required to approve an employee's request to use a personal holiday?
357-31-075	Within what time frame must the personal holiday be taken?
357-31-080	What happens if an employee requests to use his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request?
357-31-090	Can an employee request to donate or use part of a personal holiday?
357-31-095	If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours?
357-31-100	Must an employer have a policy for requesting and approving leave?
357-31-105	How will an unauthorized absence be treated?
357-31-110	What happens to an employee's accrued leave when the employee changes employers?
357-31-115	How many hours of sick leave does an employee earn each month?
357-31-120	Do employees accrue sick leave if they have taken leave without pay during the month?
357-31-125	For general government part-time employees, how is leave accrual pro rated?
357-31-130	When can an employee use accrued sick leave?
357-31-135	When and how does an employee request the use of sick leave?
357-31-140	May an employee use sick leave before it is accrued?
357-31-145	When an employee is on vacation leave and a condition listed in WAC 357-31-130(1) arises, can the employee use sick leave in place of vacation leave?
357-31-150	Can an employee be paid for accrued sick leave?
357-31-155	Does an employee who separates for any reason other than retirement or death get paid for accrued sick leave?
357-31-160	When a former employee is re-employed, is sick leave restored?
357-31-165	At what rate do employees accrue vacation leave?
357-31-170	At what rate do part-time employees accrue vacation leave?
357-31-175	Do employees accrue vacation leave if they have taken leave without pay during the month?

357-31-180	When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay?
357-31-185	When and how does an employee request the use of vacation leave?
357-31-190	When can an employee start to use accrued vacation leave?
357-31-195	Can an employee use vacation leave before it is accrued?
357-31-200	When must an employer grant the use of vacation leave?
357-31-205	What must an employer consider in granting the use of vacation leave?
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

357-31-001	What definitions apply to this chapter of the civil service rules? [Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-001, filed 4/6/05, effective 7/1/05.] Repealed by 05-12-093, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
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WAC 357-31-005 For the purpose of chapter 357-31 WAC, what days are recognized as holidays? The following days are designated as holidays for the purpose of chapter 357-31 WAC:

- (1) The first day of January (New Year's Day);
- (2) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (3) The third Monday of February (Presidents' Day);
- (4) The last Monday of May (Memorial Day);
- (5) The fourth day of July (Independence Day);
- (6) The first Monday in September (Labor Day);
- (7) The eleventh day of November (Veterans Day);
- (8) The fourth Thursday of November (Thanksgiving Day);
- (9) The day immediately following Thanksgiving Day; and
- (10) The twenty-fifth day of December (Christmas Day).

Higher education employers may designate other days to be observed in place of the above holidays. Holiday schedules for higher education employers may be determined on a calendar or fiscal year basis. When a higher education employer establishes a modified schedule, paid holidays must be granted based on the modified schedule.

[Statutory Authority: Chapter 41.06 RCW. 05-21-057, § 357-31-005, filed 10/13/05, effective 11/15/05; 05-08-136, § 357-31-005, filed 4/6/05, effective 7/1/05.]

WAC 357-31-010 Which employees qualify for holiday compensation? (1) Full-time employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are employed before the holiday and are in pay status:

- (a) For at least eighty nonovertime hours during the month of the holiday; or
- (b) For the entire work shift preceding the holiday.
- (2) Full-time higher education employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are in pay status for the entire work shift preceding the holiday.
- (3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day before the holiday(s) in that month.

(4) Part-time general government employees who are in pay status during the month of the holiday qualify for holiday pay on a pro rata basis in accordance with WAC 357-31-020.

(5) Part-time higher education employees who satisfy the requirements of subsection (1) of this section are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-010, filed 4/6/05, effective 7/1/05.]

WAC 357-31-015 How many hours are general government employees compensated for on a holiday? When a holiday designated under WAC 357-31-005 falls on a general government employee's scheduled work day:

(1) Full-time employees receive holiday pay for the number of hours they are scheduled to work on that day.

(2) Part-time employees are entitled to the number of paid hours on a holiday on a pro rata basis in accordance with WAC 357-31-020 (General government pro rata).

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-015, filed 4/6/05, effective 7/1/05.]

WAC 357-31-020 For general government part-time employees, how is holiday compensation pro rated? Compensation for holidays (including personal holiday) for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment, excluding all holiday hours.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-020, filed 4/6/05, effective 7/1/05.]

WAC 357-31-025 How many hours are higher education employees compensated for on a holiday? When a holiday as designated under WAC 357-31-005 falls on a higher education employee's scheduled work day:

(1) Full-time employees receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use of accumulation of compensatory time as appropriate, or leave without pay.

(2) Part-time higher education employees are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-025, filed 4/6/05, effective 7/1/05.]

WAC 357-31-030 What happens when a holiday falls on an employee's scheduled day off? When a holiday (as identified in WAC 357-31-005) falls on an employee's regularly scheduled day off, the employer must provide that employee an in-lieu of holiday as follows:

(1) For a full-time employee who is eligible for holiday compensation, the employer may:

(a) Designate the prior or the following work day as the holiday;

(b) Provide the employee with equivalent paid time off; or

(c) Allow the employee to request an alternate work day to observe as the holiday. The employer may require that the employee request an alternate day off within the same pay period as the holiday.

(2) For a part-time general government employee who is eligible for holiday compensation, the employer must compensate the employee on a pro rata basis in accordance with WAC 357-31-020.

(3) For a part-time higher education employee who is eligible for holiday compensation, the employee is entitled to the equivalent paid time off for the holiday that their monthly schedule bears to a full-time schedule.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-030, filed 4/6/05, effective 7/1/05.]

WAC 357-31-035 How is an employee who works on a holiday compensated? Time worked on a holiday must be compensated as provided in WAC 357-28-200.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-035, filed 4/6/05, effective 7/1/05.]

WAC 357-31-040 What happens when a holiday as identified in WAC 357-31-005 falls on Saturday or Sunday? When a holiday falls on Saturday, the preceding Friday is observed as the nonworking or legal holiday. When a holiday falls on Sunday, the following Monday is observed as the nonworking or legal holiday.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-040, filed 4/6/05, effective 7/1/05.]

WAC 357-31-045 If an employee resigns or is dismissed or separated during a month in which there is a holiday, will he/she be compensated for the holiday? Employees who resign or are dismissed or separated before a holiday do not qualify for holidays occurring after the effective date of resignation, dismissal or separation.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-045, filed 4/6/05, effective 7/1/05.]

WAC 357-31-050 How is an employee's holiday determined when an employee works a night shift schedule which begins on one calendar day and ends on the next? For employees working a shift which begins on one calendar day and ends on the next, the twenty-four hour period during which the holiday occurs must be determined by the employer to start either at the start of the shift that begins on the legal or observed holiday, or at the start of the shift that precedes the legal or observed holiday.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-050, filed 4/6/05, effective 7/1/05.]

WAC 357-31-055 When does an employee qualify for a personal holiday? Employees are entitled to one paid personal holiday per calendar year in addition to those specified in WAC 357-31-005 if the employee is scheduled to be, or has been, continuously employed by the state of Washington for at least four months.

An employee who is scheduled to work less than six continuous months over a period covering two calendar years only receives one personal holiday during this period.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-055, filed 4/6/05, effective 7/1/05.]

WAC 357-31-060 How many hours are general government employees compensated for when taking a personal holiday? (1) Full-time employees receive holiday pay for the number of hours they are scheduled to work on the day they select as their personal holiday.

(2) Part-time employees are entitled to the number of paid hours for a personal holiday on a pro rata basis in accordance with WAC 357-31-020.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-060, filed 4/6/05, effective 7/1/05.]

WAC 357-31-065 How many hours are higher education employees compensated for when taking a personal holiday? (1) Full-time employees receive eight hours of regular holiday pay on a personal holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(2) Part-time higher education employees are entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-065, filed 4/6/05, effective 7/1/05.]

WAC 357-31-070 When is an employer required to approve an employee's request to use a personal holiday?

(1) An employer must approve the use of a personal holiday as long as:

(a) The employee is entitled to a personal holiday in accordance with RCW 1.16.050 and WAC 357-31-055;

(b) The employee has requested the personal holiday in accordance with the employer's leave procedures; and

(c) The employee's absence does not interfere with the operational needs of the employer.

(2) At any time, an employer must allow an employee to use part or all of the personal holiday for either of the following reasons:

(a) To care for a child with a health condition that requires treatment or supervision.

(b) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-070, filed 4/6/05, effective 7/1/05.]

WAC 357-31-075 Within what time frame must the personal holiday be taken? The personal holiday must be used within the calendar year.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-075, filed 4/6/05, effective 7/1/05.]

WAC 357-31-080 What happens if an employee requests to use his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request? If before the end of the calendar year the employee requests the use of his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request, the employee is entitled to carry over the personal holiday to the next calendar year.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-080, filed 4/6/05, effective 7/1/05.]

WAC 357-31-090 Can an employee request to donate or use part of a personal holiday? An employee is only allowed to use part of a personal holiday in these two circumstances:

(1) When donating a portion of the personal holiday to the shared leave program as provided in WAC 357-31-425(3), or

(2) When using a portion of the personal holiday to provide care as provided in WAC 357-31-070(2).

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Any portion of the personal holiday that remains and is not used for the purposes specified in WAC 357-31-070(2) must be taken by the employee in one absence not to exceed the work shift on the day of the absence.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-090, filed 4/6/05, effective 7/1/05.]

WAC 357-31-095 If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours? An employee who has donated his/her personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to him/her during the same calendar may use the remaining hours. If the hours are returned during a different calendar, the employee cannot use the remaining hours.

[Statutory Authority: Chapter 41.06 RCW. 05-16-044, § 357-31-095, filed 7/27/05, effective 9/1/05; 05-08-136, § 357-31-095, filed 4/6/05, effective 7/1/05.]

WAC 357-31-100 Must an employer have a policy for requesting and approving leave? Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200(2).

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-100, filed 4/6/05, effective 7/1/05.]

WAC 357-31-105 How will an unauthorized absence be treated? Unauthorized absence must be treated as unauthorized leave without pay and may be grounds for separation under the provisions of WAC 357-46-210 or discipline under chapter 357-40 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-105, filed 4/6/05, effective 7/1/05.]

WAC 357-31-110 What happens to an employee's accrued leave when the employee changes employers? Unused sick and vacation leave credits of employees who change state employers without a break in service, as defined in WAC 357-01-145, transfer with the employee to the new employer.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-110, filed 4/6/05, effective 7/1/05.]

WAC 357-31-115 How many hours of sick leave does an employee earn each month? (1) Full-time employees earn eight hours of sick leave per month.

(2) Part-time general government employees earn sick leave on a pro rata basis in accordance with WAC 357-31-125.

(3) Part-time higher education employees earn sick leave on the same pro rata basis that their appointment bears to a full-time appointment.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-115, filed 4/6/05, effective 7/1/05.]

WAC 357-31-120 Do employees accrue sick leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty nonovertime hours in a month do not earn a monthly accrual of sick leave.

(2) Full-time and part-time higher education employees who have more than ten working days of leave without pay in a month do not earn a monthly accrual of sick leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-120, filed 4/6/05, effective 7/1/05.]

WAC 357-31-125 For general government part-time employees, how is leave accrual pro rated? Vacation and sick leave accruals for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-125, filed 4/6/05, effective 7/1/05.]

WAC 357-31-130 When can an employee use accrued sick leave? The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy.

(1) Employers **must** allow the use of accrued sick leave under the following conditions:

(a) Because of and during illness, disability, or injury that has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(c) To care for a minor/dependent child with a health condition requiring treatment or supervision.

(d) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.

(e) For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300, and 357-31-305.

(f) For personal health care appointments.

(g) For family members' health care appointments when the presence of the employee is required if arranged in advance with the employing official or designee.

(h) When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee/employee's spouse who experience an illness or injury, not including situations covered by subsection (1)(d) of this section.

(i) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.

(ii) For purposes of this subsection, "relatives" is limited to spouse, child, grandchild, grandparent or parent.

(2) Employers **may** allow the use of accrued sick leave under the following conditions:

(a) For condolence or bereavement.

(b) When an employee is unable to report to work due to inclement weather in accordance with the employer's policy on inclement weather as described in WAC 357-31-255.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-130, filed 4/6/05, effective 7/1/05.]

WAC 357-31-135 When and how does an employee request the use of sick leave? All requests for sick leave must be made as specified in the employer's leave policy.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-135, filed 4/6/05, effective 7/1/05.]

WAC 357-31-140 May an employee use sick leave before it is accrued? An employee is not entitled to use sick leave in advance of its accrual.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-140, filed 4/6/05, effective 7/1/05.]

WAC 357-31-145 When an employee is on vacation leave and a condition listed in WAC 357-31-130(1) arises, can the employee use sick leave in place of vacation leave? When a condition listed in WAC 357-31-130(1) arises while the employee is on vacation leave, the employer may allow the employee to use accrued sick leave in place of vacation leave. The employee must request the use of accrued sick leave in place of vacation leave according to the employer's leave policy.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-145, filed 4/6/05, effective 7/1/05.]

WAC 357-31-150 Can an employee be paid for accrued sick leave? In accordance with the attendance incentive program established by RCW 41.04.340, employees are eligible to be paid for accrued sick leave as follows:

(1) In January of each year, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(a) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(b) Monetary compensation for converted hours is paid at the rate of twenty-five percent and is based on the employee's current salary.

(c) All converted hours are deducted from the employee's sick leave balance.

(d) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year may be included in the converted hours for monetary compensation.

(2) Employees who separate from state service because of retirement or death must be compensated for their total unused sick leave accumulation at the rate of twenty-five percent or the employer may deposit equivalent funds in a medical expense plan as provided in WAC 357-31-330. Compensation must be based on the employee's salary at the time of separation. For the purpose of this subsection, retirement does not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(3) No contributions are to be made to the department of retirement systems (DRS) for payments under subsection (1) or (2) of this section, nor are such payments reported to DRS as compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-150, filed 4/6/05, effective 7/1/05.]

WAC 357-31-155 Does an employee who separates for any reason other than retirement or death get paid for accrued sick leave? Employees who separate for any reason other than retirement or death are **not** paid for their accrued sick leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-155, filed 4/6/05, effective 7/1/05.]

WAC 357-31-160 When a former employee is re-employed, is sick leave restored? Former employees who are re-employed within five years of their separation from service must be restored unused sick leave credits, if any, to which they were entitled at the time of separation. The employee may use the restored balance in accordance with WAC 357-31-130.

If the employee was retired from government service before being re-employed, when the employee subsequently retires again or dies, only that unused sick leave accrued since the date of reemployment minus that taken within the same period may be compensated per the conversion provisions of WAC 357-31-150.

[Statutory Authority: Chapter 41.06 RCW. 05-08-136, § 357-31-160, filed 4/6/05, effective 7/1/05.]

WAC 357-31-165 At what rate do employees accrue vacation leave? (1) Full-time employees accrue vacation leave at the following rates:

(a) During the first year of continuous state employment - twelve days (eight hours per month);

(b) During the second year of continuous state employment - thirteen days (eight hours, forty minutes per month);

(c) During the third and fourth years of continuous state employment - fourteen days (nine hours, twenty minutes per month);

(d) During the fifth, sixth, and seventh years of total state employment - fifteen days (ten hours per month);

(e) During the eighth, ninth, and tenth years of total state employment - sixteen days (ten hours, forty minutes per month);

(f) During the eleventh year of total state employment - seventeen days (eleven hours, twenty minutes per month).

(g) During the twelfth year of total state employment - eighteen days (twelve hours per month).

(h) During the thirteenth year of total state employment - nineteen days (twelve hours, forty minutes per month).

(i) During the fourteenth year of total state employment - twenty days (thirteen hours, twenty minutes per month).

(j) During the fifteenth year of total state employment - twenty-one days (fourteen hours per month).

(k) During the sixteenth and succeeding years of total state employment - twenty-two days (fourteen hours, forty minutes per month).

(2) Higher education employers may establish accrual rates that exceed the rates listed in subsection (1) of this section.

(3) As provided in WAC 357-58-175, an employer may authorize a lump-sum accrual of vacation leave or accelerate the vacation leave accrual rate to support the recruitment and/or retention of a candidate or incumbent for a WMS position. Vacation leave accrual rates may only be accelerated using the rates established in subsection (1) of this section

and must not exceed the maximum listed in subsection (1)(k) of this section.

(4) The following applies for purposes of computing the rate of vacation leave accrual:

(a) Employment in the legislative and/or the judicial branch except for time spent as an elected official or in a judicial appointment is credited.

(b) Employment exempt by the provisions of WAC 357-04-040, 357-04-045, 357-04-050, 357-04-055 is not credited.

(c) Each contract year, or equivalent, of full-time faculty and/or administrative exempt employment with a higher education employer is credited as one year of qualifying service.

(d) Exempt employment with a general government employer is credited, other than that specified in WAC 357-04-055 which is excluded.

[Statutory Authority: Chapter 41.06 RCW. 05-21-059, § 357-31-165, filed 10/13/05, effective 11/15/05; 05-12-080, § 357-31-165, filed 5/27/05, effective 7/1/05; 05-08-137, § 357-31-165, filed 4/6/05, effective 7/1/05.]

WAC 357-31-170 At what rate do part-time employees accrue vacation leave? (1) Part-time general government employees accrue vacation leave credits on a pro rata basis in accordance with WAC 357-31-125.

(2) Part-time higher education employees accrue on the same pro rata basis that their appointment bears to a full-time appointment.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-170, filed 4/6/05, effective 7/1/05.]

WAC 357-31-175 Do employees accrue vacation leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty nonovertime hours in a month do not earn a monthly accrual of vacation leave.

(2) Full-time and part-time higher education employees who have more than ten working days of leave without pay in a month do not earn a monthly accrual of vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-175, filed 4/6/05, effective 7/1/05.]

WAC 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay? Leave without pay taken for military leave of absence without pay or for scheduled mandatory periods of leave without pay for employees in cyclic year positions do not affect the rate at which employees accrue vacation leave. For all other periods of leave without pay, the following applies:

(1) When a general government employee takes leave without pay which exceeds fifteen consecutive calendar days, the employee's anniversary date and unbroken service date are adjusted in accordance with WAC 357-31-345. These adjustments affect the rate at which an employee accrues vacation leave.

(2) When a higher education employee takes more than ten working days of leave without pay, that month does not qualify as a month of employment under WAC 357-31-165.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-180, filed 4/6/05, effective 7/1/05.]

WAC 357-31-185 When and how does an employee request the use of vacation leave? All requests for vacation leave must be made in accordance with the employer's leave policy.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-185, filed 4/6/05, effective 7/1/05.]

WAC 357-31-190 When can an employee start to use accrued vacation leave? An employee (part-time or full-time) must complete six months of continuous state employment before he/she can use vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-190, filed 4/6/05, effective 7/1/05.]

WAC 357-31-195 Can an employee use vacation leave before it is accrued? An employee is not entitled to use vacation leave in advance of its accrual.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-195, filed 4/6/05, effective 7/1/05.]

WAC 357-31-200 When must an employer grant the use of vacation leave? An employee's request to use vacation leave must be approved under the following conditions:

- (1) As a result of the employee's serious health condition.
- (2) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.
- (3) To care for a minor/dependent child with a health condition that requires treatment or supervision.
- (4) For parental leave as provided in WAC 357-31-460.

In accordance with the employer's leave policy, approval may be subject to verification that the condition exists.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-200, filed 4/6/05, effective 7/1/05.]

WAC 357-31-205 What must an employer consider in granting the use of vacation leave? When considering requests for vacation leave, the employer must consider the needs of the employee but may require that leave be taken when it will least interfere with the operational needs of the employer.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-205, filed 4/6/05, effective 7/1/05.]

WAC 357-31-210 What is the maximum number of hours of vacation leave that an employee can accumulate? Vacation leave may be accumulated to a maximum of thirty working days (240 hours). Exceptions to this maximum are described in WAC 357-31-215.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-210, filed 4/6/05, effective 7/1/05.]

WAC 357-31-215 When may vacation leave be accumulated above the maximum two hundred forty hours? There are two circumstances in which vacation leave may be accumulated above the maximum of thirty working days (240 hours).

- (1) If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum

vacation leave (240 hours), the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.

(2) As an alternative to subsection (1), employees may also accumulate vacation leave in excess of two hundred forty (240) hours as follows:

(a) An employee may accumulate the vacation leave days between the time thirty days is accrued and his/her next anniversary date of state employment.

(b) Leave accumulated above two hundred forty hours must be used by the next anniversary date and in accordance with the employer's leave policy. If such leave is not used before the employee's anniversary date, the excess leave is automatically lost and considered to have never existed.

(c) Any leave accumulated above two hundred forty hours without a statement of necessity between anniversary dates must not, regardless of circumstances, be deferred by the employer by a statement of necessity as described in (1) above. For example:

On June 15, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time. On June 15, the employee's vacation leave balance is 260 hours. The employee accrues 10 hours monthly and his/her anniversary date is October 16. If a statement of necessity is filed in June, his/her leave accrual for the four months between June and October will be deferred and not lost as long the employee uses those 40 deferred hours by his/her next anniversary date (October 16 of the following year). The hours of excess vacation leave the employee has on June 15 (20 hours) will not be deferred and will be lost if not used by the approaching anniversary date (October 16 of the present year).

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-215, filed 4/6/05, effective 7/1/05.]

WAC 357-31-220 What must be included in the statement of necessity for excess vacation leave? At a minimum, a statement of necessity for excess vacation leave must include all of the following:

- (1) The date on which the statement of necessity was authorized;
- (2) Justification of denial of the employee's leave request;
- (3) Date upon which the employee will be able to resume leave usage;
- (4) The employee's total leave balance on his/her anniversary date;
- (5) The employee's accrual rate; and
- (6) The employee's leave balance at the time of the request.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-220, filed 4/6/05, effective 7/1/05.]

WAC 357-31-225 When employees separate from state service, are they entitled to a lump sum payment of unused vacation leave? (1) When an employee who has completed six continuous months of employment separates from service by reason of resignation with adequate notice,

layoff, trial service reversion, separation, dismissal, retirement, or death, the employee is entitled to a lump sum payment of unused vacation leave. The payment is computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 357-31-215(2), nor shall such payment be reported to the DRS as compensation.

(2) General government permanent employees may defer the payment of accumulated vacation leave to which they are entitled for a period of thirty calendar days in any of these circumstances:

(a) If the separation resulted from a layoff, trial service reversion, or conclusion of a project or nonpermanent appointment and there is a reasonable probability of reemployment, or

(b) If the separation resulted from an employee returning to a classified position from an exempt position under the provision of RCW 41.06.070.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-225, filed 4/6/05, effective 7/1/05.]

WAC 357-31-230 When can an employee use accrued compensatory time? (1) Employees must request to use accrued compensatory time in accordance with the employer's leave policy. When considering employees' requests, employers must consider the work requirements of the department and the wishes of the employee.

(2) An employee must be granted the use of accrued compensatory time to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued compensatory time maybe subject to verification that the condition exists.

(3) Compensatory time off may be scheduled by the employer during the final sixty days of a biennium.

(4) Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-230, filed 4/6/05, effective 7/1/05.]

WAC 357-31-235 May an employee use leave if the employee sustains a work-related injury or illness that is compensable under the state workers' compensation law? An employee who sustains a work related injury or illness that is compensable under the workers' compensation law may choose to receive time-loss compensation exclusively, use accrued paid leave exclusively, or combine time loss compensation and accrued paid leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-235, filed 4/6/05, effective 7/1/05.]

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WAC 357-31-240 What happens if an employee uses accrued sick leave during a period when he/she is receiving time loss compensation? An employee who uses accrued sick leave during a period when the employee receives time-loss compensation must have his/her payment for sick leave reduced by the amount of time-loss compensation received by the employee. Until eligibility for workers' compensation is determined by the department of labor and industries, the employer may pay full sick leave; however, the employee must return any overpayment to the employer when the salary adjustment is determined.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-240, filed 4/6/05, effective 7/1/05.]

WAC 357-31-245 What happens if an employee uses accrued vacation leave, accrued compensatory time, or receives holiday pay during a period when he/she is receiving time loss compensation? An employee who uses accrued vacation leave, accrued compensatory time, or receives holiday pay during a period when he/she is receiving time loss compensation is entitled to time-loss compensation and full pay for vacation leave, compensatory time, and holiday pay.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-245, filed 4/6/05, effective 7/1/05.]

WAC 357-31-250 Are employees entitled to paid bereavement leave? (1) If an employee's family member or household member dies, the employee is entitled to three days of paid bereavement leave. An employee may request less than three days of paid bereavement leave.

(2) In accordance with the employer's leave policy, the employer may require verification of the family member's or household member's death.

(3) In addition to paid bereavement leave, the employer may approve an employee's request to use paid leave (accrued compensatory time, sick leave, vacation leave, and/or a personal holiday) or to take leave without pay for purposes of bereavement.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-250, filed 4/6/05, effective 7/1/05.]

WAC 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather? When the employer determines inclement weather conditions exist, the employer's leave policy governs the order in which accrued leave and compensatory time may be used to account for the time an employee is absent from work due to the inclement weather. The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of three days in any calendar year, and the use of leave without pay in lieu of paid leave at the request of the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-255, filed 4/6/05, effective 7/1/05.]

WAC 357-31-260 When may an agency head or institution president suspend operations? When it is determined that public safety, health, or property is jeopardized due to emergency conditions, the agency head or institution president may suspend operations for the entire agency,

higher education institution, related board, or any portion of the organization, in accordance with the employer's suspended operations procedure.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-260, filed 4/6/05, effective 7/1/05.]

WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure? At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday, accrued vacation leave, accrued compensatory time, or leave without pay to account for the time lost due to the closure. If an employer's suspended operations procedure allows, employees may also be released without a loss in pay or given a reasonable opportunity to make up work time lost as a result of the suspended operations. For overtime eligible employees, compensation for making up lost work time must be granted on a compensatory time basis at not less than straight time nor more than time and one-half, and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-265, filed 4/6/05, effective 7/1/05.]

WAC 357-31-270 When an employer has suspended operations, how are employees who are required to work during the closure affected? Employees required to work during the closure must receive their regular rate of pay for work performed during the period of suspended operations. Overtime worked during the closure must be compensated in accordance with chapter 357-28 WAC. The employer may petition the director for approval of a special premium pay allowance due to hazardous working conditions encountered by employees required to work during the period of suspended operations.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-270, filed 4/6/05, effective 7/1/05.]

WAC 357-31-275 What must be included in the employer's suspended operations procedure? Each employer must develop a suspended operations procedure. The procedure must at a minimum address all of the following:

- (1) How employees will be notified of suspended operations.
- (2) What happens when prior notification has not been given and employees are released until further notice after reporting to work.
- (3) How employees who are not required to work during suspended operations are affected.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-275, filed 4/6/05, effective 7/1/05.]

WAC 357-31-280 How long can operations be suspended? The period of suspended operations must not exceed fifteen calendar days without director approval.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-280, filed 4/6/05, effective 7/1/05.]

WAC 357-31-285 Is an employer required to authorize the absence of an employee for family care emergencies? Absence because of an employee's inability to report for or continue scheduled work due to a family care emergency:

(1) **Must** be authorized for care of the employee's spouse, household member or the employee's/spouse's child, parent or grandparent up to the limits specified in WAC 357-31-300.

(2) **May** be authorized for care of others in accordance with the employer's leave policy.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-285, filed 4/6/05, effective 7/1/05.]

WAC 357-31-290 What qualifies as a family care emergency? The employer's leave policy must define what qualifies as a family care emergency. At a minimum, the employer's definition must include:

(1) Minor/dependent child care emergencies such as unexpected absence of regular care provider, unexpected closure of child's school, or unexpected need to pick up child at school earlier than normal.

(2) Elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-290, filed 4/6/05, effective 7/1/05.]

WAC 357-31-295 What type of leave may employees use for family care emergencies? (1) After an employee has used all accrued compensatory time, the employee may choose any of following leave categories to use to account for time away from work for family care emergencies:

- (a) Vacation leave.
- (b) Sick leave in accordance with WAC 357-31-130.
- (c) Leave without pay.
- (d) Personal holiday.

(2) Use of any of these leave categories is dependent on the employee's eligibility to use that leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-295, filed 4/6/05, effective 7/1/05.]

WAC 357-31-300 Is there a limit to how much leave can be used for a family care emergency? (1) For purposes of family care emergencies, each calendar year an employee must be allowed to use up to three work days of:

- (a) Vacation leave,
- (b) Sick leave, and
- (c) Leave without pay.

(2) At the employer's discretion, additional leave in excess of three days for each category of leave may be granted.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-300, filed 4/6/05, effective 7/1/05.]

WAC 357-31-305 Is advance approval required for an employee to take time off for a family care emergency? No advance approval is required for an employee to take time off for a family care emergency; however, the employee must notify the employer at the beginning of the absence. In accordance with the employer's leave policy, the employee may be

required to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

[Statutory Authority: Chapter 41.06 RCW. 05-08-137, § 357-31-305, filed 4/6/05, effective 7/1/05.]

WAC 357-31-310 If an employee is required to report for jury duty service, must the employee be granted a leave of absence with pay? The employer must grant a leave of absence with pay when an employee is required to report for jury duty service. Employers may require documentation or verification of jury service.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-310, filed 4/6/05, effective 7/1/05.]

WAC 357-31-315 May employees keep compensation received for serving as a member of a jury? Employees are allowed to keep any compensation they receive for serving as a member of a jury in addition to their regular pay.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-315, filed 4/6/05, effective 7/1/05.]

WAC 357-31-320 If an employee has received a subpoena, must the employee be granted a leave of absence with pay? The employer must grant a leave of absence with pay for the employee to respond to a subpoena when:

- (1) The employee has been subpoenaed on the employer's behalf; or
- (2) The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-320, filed 4/6/05, effective 7/1/05.]

WAC 357-31-325 Must an employer grant leave with pay for other miscellaneous reasons such as to take a state examination? (1) Leave with pay must be granted to an employee:

- (a) To allow an employee to receive assessment from the employee advisory service; or
- (b) When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours.
 - (i) Employers may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.
 - (ii) Employers may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.

(2) An employer may grant leave with pay for an employee to perform civil duties as a volunteer including but not limited to fire fighting, search and rescue efforts or donating blood.

(3) In the department of natural resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an incident command system, defined in RCW 38.52.010.

[Statutory Authority: Chapter 41.06 RCW. 05-21-055, § 357-31-325, filed 10/13/05, effective 11/15/05; 05-08-138, § 357-31-325, filed 4/6/05, effective 7/1/05.]

WAC 357-31-330 For what reasons may an employer authorize leave without pay? Leave without pay may be allowed for any of the following reasons in accordance with the employer's leave policy:

- (1) For any reason leave with pay may be granted, as long as the conditions for leave with pay are met;
- (2) Educational leave;
- (3) Leave for government service in the public interest;
- (4) Military leave of absence as required by WAC 357-31-370;
- (5) Parental leave as required by WAC 357-31-460;
- (6) Family care emergencies as required by WAC 357-31-295;
- (7) Bereavement or condolence;
- (8) Absence due to inclement weather as provided in WAC 357-31-255;
- (9) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 357-19-295;
- (10) Serious health condition of an eligible employee's child, spouse, or parent as required by WAC 357-31-525;
- (11) Leave taken voluntarily to reduce the effect of an employer's layoff;
- (12) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability; or
- (13) Employees receiving time loss compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-330, filed 4/6/05, effective 7/1/05.]

WAC 357-31-335 How long can an employee remain on leave without pay? The employer determines the length of time an employee may remain on leave without pay. The employer's leave policy must address any limitations on the length of time for which leave without pay will be approved.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-335, filed 4/6/05, effective 7/1/05.]

WAC 357-31-340 When an employee returns from authorized leave without pay, what position will he/she be returned to? Employees returning from authorized leave without pay must be employed in the same position or a similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-340, filed 4/6/05, effective 7/1/05.]

WAC 357-31-345 How does leave without pay affect a general government employee's anniversary date, unbroken service date and periodic increment date? (1) For a general government employee, the anniversary date, unbroken service date, and periodic increment date is adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

- (a) Military leave of absence without pay as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;
- (c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Voluntarily reducing the effect of an employer's lay-off.

(2) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's anniversary date, unbroken service date and periodic increment date must be moved forward in an amount equal to the number of calendar days on leave without pay.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-345, filed 4/6/05, effective 7/1/05.]

WAC 357-31-346 Does leave without pay affect a higher education employee's periodic increment date?

For a higher education employee, the periodic increment date will be moved forward by one month when any period of leave without pay which exceeds ten working days in a month or ten consecutive working days except when the leave without pay is taken for:

(1) Military leave of absence without pay as provided in WAC 357-31-370;

(2) Compensable work-related injury or illness leave; and/or

(3) Scheduled periods of leave without pay for cyclic appointments in accordance with WAC 357-19-295.

[Statutory Authority: Chapter 41.06 RCW. 05-12-081, § 357-31-346, filed 5/27/05, effective 7/1/05.]

WAC 357-31-347 Does leave without pay affect a higher education employee's seniority date? In accordance with WAC 357-46-053, each higher education employer's layoff procedure defines how seniority is determined including any adjustments made for periods of leave without pay. As provided by WAC 357-19-297, scheduled cyclic leave without pay for an employee in cyclic year positions does not affect the employee's seniority date.

[Statutory Authority: Chapter 41.06 RCW. 05-12-081, § 357-31-347, filed 5/27/05, effective 7/1/05.]

WAC 357-31-350 How does leave without pay affect a general government employee's seniority date? WAC 357-46-055 describes how leave without pay affects a general government employee's seniority date.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-350, filed 4/6/05, effective 7/1/05.]

WAC 357-31-355 How does leave without pay affect the duration of an employee's probationary period or trial service period? If an employee uses leave without pay for an entire workshift while serving a probationary period or trial service period, the probationary period or trial service period is extended by one work day for each workshift of leave without pay.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-355, filed 4/6/05, effective 7/1/05.]

WAC 357-31-360 Must employees who have been ordered to active duty or active training duty be granted paid military leave? (1) Employees must be granted military

leave with pay not to exceed fifteen working days during each year, beginning October 1st and ending the following September 30th, in order to report for active duty or to take part in active training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States.

(2) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

(3) During paid military leave, the employee must receive the normal base salary.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-360, filed 4/6/05, effective 7/1/05.]

WAC 357-31-370 In addition to paid military leave, must an employee be granted a military leave of absence without pay? (1) Employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.

(2) No adjustments are made to the seniority date, anniversary date, unbroken service date, vacation leave accrual rate, or periodic increment date while an employee is on paid military leave or a military leave of absence without pay or any combination thereof.

(3) No adjustments are made to the seniority date, anniversary date, unbroken service date, vacation leave accrual rate, or periodic increment date while an employee is on paid military leave or a military leave of absence without pay or any combination thereof.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-370, filed 4/6/05, effective 7/1/05.]

WAC 357-31-375 What provisions exist for employees to participate in medical expense plans? (1) Employers may provide a medical expense plan to eligible employees that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 357-31-150(2), employers may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans must be implemented only after consultation with affected groups of employees.

(3) As a condition of participation, the medical expense plan must require that each covered eligible employee sign an agreement with the employer. The agreement must include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) The employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) The employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by an agency must apply to all eligible employees in any one of the following groups:

(a) Employees in a state agency or higher education institution;

(b) Employees in a major organizational subdivision of a state agency or higher education institution;

(c) Employees at a major operating location of a state agency or higher education institution;

(d) Classified employees in a bargaining unit established by the Public Employees Relations Commission;

(e) Another group of employees defined by the employer that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan:

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employer has established a medical expense plan.

(6) An established medical expense plan must be applicable to all retirements of covered eligible employees within a calendar year. The medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

[Statutory Authority: Chapter 41.06 RCW. 05-08-138, § 357-31-375, filed 4/6/05, effective 7/1/05.]

WAC 357-31-380 What is the purpose of the state leave sharing program? The purpose of the state leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-380, filed 4/6/05, effective 7/1/05.]

WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave? An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

(1) The employee:

(a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(b) The employee has been called to service in the uniformed services.

(2) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete his or her:

(a) Personal holiday, accrued vacation leave, and accrued sick leave if the employee qualifies under subsection (1)(a) of this section; or

(b) Personal holiday, accrued vacation leave, and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section.

(5) The employee has abided by employer rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-390, filed 4/6/05, effective 7/1/05.]

WAC 357-31-395 What definitions apply to shared leave? (1) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(2) "Employee's relative" normally must be limited to the employee's spouse, child, grandchild, grandparent, or parent.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(4) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(5) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-395, filed 4/6/05, effective 7/1/05.]

WAC 357-31-400 How much shared leave may an employee receive? The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than two hundred sixty-one (261) days of shared leave and a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the expected end date of the appointment.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty,

modified hours, flex-time, or special assignments in place of shared leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-400, filed 4/6/05, effective 7/1/05.]

WAC 357-31-405 What documentation may an employee seeking shared leave be required to submit? (1) For employees seeking shared leave under WAC 357-31-390 (1)(a), the employer may require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition before the employer approves or disapproves the request.

(2) For employees seeking shared leave under WAC 357-31-390 (1)(b), the employer may require the employee to submit a copy of the military orders verifying the employee's required absence before the employer approves or disapproves the request.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-405, filed 4/6/05, effective 7/1/05.]

WAC 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, or related higher education boards? Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-410, filed 4/6/05, effective 7/1/05.]

WAC 357-31-415 Can donated leave be used for any purpose? Vacation leave, sick leave, or all or part of a personal holiday transferred from a donating employee under these rules must be used solely for the purpose stated in WAC 357-31-380.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-415, filed 4/6/05, effective 7/1/05.]

WAC 357-31-420 What rate of pay is the employee receiving shared leave paid? The receiving employee is paid his/her regular rate of pay. Therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-420, filed 4/6/05, effective 7/1/05.]

WAC 357-31-425 What types of leave can an employee donate for the purposes of the state leave sharing program? An employee may donate vacation leave, sick leave, or all or part of a personal holiday to another employee for purposes of the state leave sharing program under the following conditions:

(1) Vacation leave: The donating employee's employer approves the employee's request to donate a specified amount of vacation leave to an employee authorized to receive shared leave and the full-time employee's request to donate leave will not cause his/her vacation leave balance to fall below eighty hours after the transfer. For part-time employees, requirements for vacation leave balances are prorated.

(2) Sick leave: The donating employee's employer approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave and the employee's request to donate leave will not cause his/her sick leave balance to fall below one hundred seventy-six hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

Any portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-425, filed 4/6/05, effective 7/1/05.]

WAC 357-31-430 How will shared leave be administered? The calculation of the recipient's leave value must be in accordance with applicable office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received is coded as shared leave and is maintained separately from all other leave balances.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-430, filed 4/6/05, effective 7/1/05.]

WAC 357-31-435 Must employees use their own leave before using shared leave? Employees who qualify for shared leave under WAC 357-31-390 (1)(a) must first use all compensatory time, personal holiday, sick leave, and vacation leave that they have accrued before using shared leave. Employees who qualify under WAC 357-31-390 (1)(b) must use all of their accrued vacation leave and paid military leave allowed under RCW 38.40.060 before using shared leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-435, filed 4/6/05, effective 7/1/05.]

WAC 357-31-440 How must employees who are receiving shared leave be treated during their absence? An employee using shared leave under these rules continues to be classified as a state employee and receives the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued vacation leave or sick leave.

Employees who, during their probationary period or trial service period, go on shared leave must have their probationary period or trial service period extended by the number of calendar days they are on shared leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-440, filed 4/6/05, effective 7/1/05.]

WAC 357-31-445 What happens to leave that was donated under the state leave sharing program and was not used by the recipient? (1) Any shared leave not used by the recipient during each incident/occurrence as determined by the employer must be returned to the donor(s).

The remaining shared leave must be returned to the donors and reinstated to the respective donors' appropriate

leave balances based on each employee's current salary rate at the time of the reversion. The shared leave returned must be returned in accordance with office of financial management policies.

(2) Unused shared leave may not be cashed out by a recipient.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-445, filed 4/6/05, effective 7/1/05.]

WAC 357-31-450 Must an employee who receives shared leave repay the value of the leave that he or she used? An employee who uses leave that is donated under the state leave sharing program is not required to repay the value of the leave that he or she used.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-450, filed 4/6/05, effective 7/1/05.]

WAC 357-31-455 What records must an employer maintain pertaining to the state leave sharing program? Agencies must maintain records which contain sufficient information to provide for any state review.

[Statutory Authority: Chapter 41.06 RCW. 05-08-139, § 357-31-455, filed 4/6/05, effective 7/1/05.]

WAC 357-31-460 For what purposes must parental leave be granted? (1) Employers must grant parental leave to employees for purposes of:

(a) The birth and care of a newborn child of the employee; or

(b) Placement of a child with the employee for adoption or foster care.

(2) Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-460, filed 4/6/05, effective 7/1/05.]

WAC 357-31-465 Who qualifies for parental leave? Only permanent employees or employees who have worked for the state for at least twelve months and for at least one thousand two hundred fifty hours during the previous twelve-month period qualify for parental leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-465, filed 4/6/05, effective 7/1/05.]

WAC 357-31-470 How and when can an employee request to be off work on parental leave? The employee must submit a written request for parental leave in accordance with the employer's leave policy. The employee must provide not less than thirty days' notice, except when a child's birth or placement requires leave to begin in less than thirty days, in which case the employee must provide notice as soon as is practicable.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-470, filed 4/6/05, effective 7/1/05.]

WAC 357-31-475 How long can an employee request to be off work for parental leave? Employees are entitled to request six months of parental leave for the purposes specified WAC 357-31-460. Employers may only deny requests

for that portion of the parental leave that exceeds the provisions of WAC 357-31-525. The only basis for denial is operational necessity. Employers may approve requests for more than six months of parental leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-475, filed 4/6/05, effective 7/1/05.]

WAC 357-31-480 Is parental leave in addition to any leave for sickness or temporary disability because of pregnancy and/or childbirth? Under RCW 49.78.005, the family leave required by U.S.C. 29.2612 (a)(1)(A) and (B) of the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) must be in addition to any leave for sickness or temporary disability because of pregnancy or childbirth as provided in WAC 357-31-500.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-480, filed 4/6/05, effective 7/1/05.]

WAC 357-31-485 If an employee's request for parental leave exceeds the provisions of WAC 357-31-525, how and when must an employer respond to an employee's request for parental leave? If the employee's parental leave request is for time off which exceeds the provisions of WAC 357-31-525, the employer must respond in writing to the employee's request within ten working days of the receipt of the request. If the leave is denied, the employer must provide a rationale supporting the operational necessity.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-485, filed 4/6/05, effective 7/1/05.]

WAC 357-31-490 Will time off for parental leave be paid or unpaid? (1) Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. Sick leave may be used if the criteria in WAC 357-31-130 are met. The combination and use of paid and unpaid leave during a parental leave is at the employee's choice.

(2) If necessary while on approved parental leave, the employee must be allowed to use a minimum of eight hours per month of the accrued paid leave identified in subsection (1) of this section during a parental leave of absence without pay to provide for continuation of benefits as provided by the public employees' benefits board. The employer designates when during the month paid leave will be interspersed to maintain benefits.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-490, filed 4/6/05, effective 7/1/05.]

WAC 357-31-495 Will time off for parental leave be designated under the Family and Medical Leave Act? Employers may designate a total of twelve work weeks of accrued paid leave or leave without pay for purposes of parental leave as family and medical leave under the Family and Medical Leave Act. These twelve weeks are in addition to any paid or unpaid leave the employee is eligible for and takes for sickness or temporary disability due pregnancy or childbirth.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-495, filed 4/6/05, effective 7/1/05.]

WAC 357-31-500 When must disability leave due to pregnancy and/or childbirth be granted? Leave of absence must be granted for the period of time that a permanent employee is sick or temporarily disabled because of pregnancy and/or childbirth.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-500, filed 4/6/05, effective 7/1/05.]

WAC 357-31-505 How does an employee request disability leave due to pregnancy and/or childbirth? The employee must submit a written request for disability leave due to pregnancy and/or childbirth in accordance with the employer's leave policy.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-505, filed 4/6/05, effective 7/1/05.]

WAC 357-31-510 Is the employee required to provide the employer with medical certification during disability leave due to pregnancy and/or childbirth? In accordance with the employer's leave policy, the employee may be required to submit medical certification or verification for the period of disability leave due to pregnancy and/or childbirth.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-510, filed 4/6/05, effective 7/1/05.]

WAC 357-31-515 Will time off during the period of disability leave due to pregnancy and/or childbirth be paid? Disability leave due to pregnancy and/or childbirth may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave without pay. The combination and use of paid and unpaid leave must be per the choice of the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-515, filed 4/6/05, effective 7/1/05.]

WAC 357-31-520 How does the Family and Medical Leave Act of 1993 and the Family Care Law interact with the civil service rules? Benefits provided through state laws and civil service rules must not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-520, filed 4/6/05, effective 7/1/05.]

WAC 357-31-525 What is an employee entitled to under the Family and Medical Leave Act of 1993? (1) The Family and Medical Leave Act of 1993 (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825, provide that an eligible employee must be granted, during a twelve-month period, a total of twelve work weeks of absence:

- (a) As a result of the employee's serious health condition;
- (b) To care for an employee's parent, spouse, or minor/dependent child who has a serious health condition; and/or
- (c) To provide care to an employee's newborn, adopted or foster child as provided in WAC 357-31-460.

(2) For general government employers, the twelve-month period in subsection (1) above is measured forward from the date the requesting employee begins leave under the Family and Medical Leave Act of 1993. The employee's next twelve-month period would begin the first time leave under the Family and Medical Leave Act is taken after completion

of the previous twelve-month period. Higher education employers must define within their family and medical leave policy how the twelve months are measured.

[Statutory Authority: Chapter 41.06 RCW. 05-12-086, § 357-31-525, filed 5/27/05, effective 7/1/05; 05-08-140, § 357-31-525, filed 4/6/05, effective 7/1/05.]

WAC 357-31-530 Under the Family and Medical Leave Act of 1993, how is an eligible employee defined? In accordance with 29 CFR Part 825, an eligible employee is an employee who has worked for the state for at least twelve months and for at least one thousand two hundred fifty hours during the previous twelve-month period. Vacation leave, sick leave, the personal holiday, compensatory time off, or shared leave is not counted towards the one thousand two hundred and fifty hour eligibility requirement.

[Statutory Authority: Chapter 41.06 RCW. 05-21-061, § 357-31-530, filed 10/13/05, effective 11/15/05; 05-12-090, § 357-31-530, filed 5/27/05, effective 7/1/05; 05-08-140, § 357-31-530, filed 4/6/05, effective 7/1/05.]

WAC 357-31-535 Who designates absences which meet the criteria of the Family and Medical Leave Act? The employer designates absences which meet the criteria of the Family and Medical Leave Act. Paid or unpaid leave, excluding compensatory time, used for that designated absence must be counted towards the twelve weeks of the Family and Medical Leave Act entitlement.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-535, filed 4/6/05, effective 7/1/05.]

WAC 357-31-540 Who chooses if an employee will use paid leave or leave without pay for absences granted under the Family and Medical Leave Act? The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay must be in accordance with the civil service rules.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-540, filed 4/6/05, effective 7/1/05.]

WAC 357-31-545 Under the Family and Medical Leave Act, can an employee request an intermittent or reduced schedule? Employee absence granted for the purpose of WAC 357-31-525 (1)(a) and (b) must be granted on an intermittent or reduced schedule at the employee's request when medically necessary.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-545, filed 4/6/05, effective 7/1/05.]

WAC 357-31-550 When an employee returns from an absence designated as FMLA, what position will the employee return to? Following absence designated as FMLA the employee must be returned to the same or equivalent position held prior to the absence.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-550, filed 4/6/05, effective 7/1/05.]

WAC 357-31-555 Must employers continue health insurance benefits when an employee is on leave designated as FMLA? The employer must continue an eligible

employee's existing employer-paid health insurance benefits during paid or unpaid leave granted in accordance with the Family and Medical Leave Act. The employee is responsible for any existing employee-paid premiums necessary to maintain health insurance benefits.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-555, filed 4/6/05, effective 7/1/05.]

WAC 357-31-560 Must the employer have a family and medical leave policy? Each employer must develop and disseminate a policy specifying the procedures, required information, and time frames for employees to request and use leave in accordance with the state laws, the civil service rules, and the Family and Medical Leave Act of 1993 law and regulations found in 29 CFR Part 825.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-560, filed 4/6/05, effective 7/1/05.]

WAC 357-31-565 May employers grant paid leave for purposes of recognition? Employers who have received performance management confirmation may grant employees up to five days of paid leave within a twelve-month period to recognize outstanding accomplishments or the achievement of predefined work goals by individual employees or units. Leave granted under this provision:

- (1) Is not payable upon layoff, dismissal, separation, or resignation or transferable between employers;
- (2) Must be used within twelve months of the leave being granted; and
- (3) Must be used before the employee uses vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 05-08-140, § 357-31-565, filed 4/6/05, effective 7/1/05.]

Chapter 357-37 WAC PERFORMANCE MANAGEMENT

WAC

357-37-200 Can an employer require an employee to submit to drug/alcohol testing?

WAC 357-37-200 Can an employer require an employee to submit to drug/alcohol testing? In addition to drug/alcohol testing required by state or federal law, an employer may require a specific employee to submit to drug/alcohol testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

- (1) The employer has a policy that:
 - (a) Complies with legal requirements;
 - (b) Establishes procedures under which the test may be conducted;
 - (c) Provides for the confidential treatment of drug and alcohol test results as required by law or in an action or proceeding challenging any disciplinary action arising from the circumstances which led to the test; and
- (2) One of the following conditions apply:
 - (a) The employee is subject to testing because:
 - (i) The employer has specific, objective grounds to believe the employee's work performance is impaired due to the presence of such substances in the body; or

(ii) While on duty the employee is involved in an accident or incident as described by the employer's policy;

(b) The employer determines that employees in positions with any of the following responsibilities are subject to testing:

- (i) Providing security on state property or ensuring public safety;
- (ii) Administering or dispensing medication; or
- (iii) Utilizing a firearm as called for in performance of job duties.

[Statutory Authority: Chapter 41.06 RCW. 05-12-096, § 357-37-200, filed 5/27/05, effective 7/1/05.]

Chapter 357-40 WAC DISCIPLINE

WAC

357-40-050 How must notice of disciplinary action be provided to an employee?

WAC 357-40-050 How must notice of disciplinary action be provided to an employee? Notice of dismissal, suspension, demotion, or reduction in base salary must be provided by personal service or certified letter through the United States mail. Service of notice will be regarded as completed when personal delivery has been accomplished; or upon deposit of a certified letter in the United States mail properly stamped and addressed to the employee's last known home address.

[Statutory Authority: Chapter 41.06 RCW. 05-12-079, § 357-40-050, filed 5/27/05, effective 7/1/05.]

Chapter 357-43 WAC EMPLOYEE BUSINESS UNITS

WAC

- 357-43-008 What happens if a displaced employee chooses to be removed from the employee business unit before the effective date of a contract that is awarded to the employee business unit?
- 357-43-120 Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU?

WAC 357-43-008 What happens if a displaced employee chooses to be removed from the employee business unit before the effective date of a contract that is awarded to the employee business unit? When a displaced employee chooses to be removed from an employee business unit prior to the effective date of the contract that is awarded to the employee business unit, the following applies:

- (1) If the displaced employee chooses to be removed before the employer notifies the employee business unit of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the displaced employee has layoff rights in accordance with WAC 357-46-012.
- (2) If the displaced employee chooses to be removed after the employer notifies the employee business unit of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the displaced employee has

no layoff rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.

[Statutory Authority: Chapter 41.06 RCW. 05-19-003, § 357-43-008, filed 9/8/05, effective 10/10/05.]

WAC 357-43-120 Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU? EBU members may receive financial incentives for any cost savings resulting from completing the performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU. The financial incentives must be provided using reward or incentive plans recognized in chapter 41.60 RCW.

[Statutory Authority: Chapter 41.06 RCW. 05-19-010, § 357-43-120, filed 9/8/05, effective 10/10/05.]

Chapter 357-46 WAC LAYOFF AND SEPARATION

WAC

357-46-010	What are the reasons for layoff?
357-46-012	Following the award of a contract under the competitive contracting process, how does an employer layoff displaced employees as defined by WAC 357-43-001?
357-46-050	How does an employer determine an employee's employment retention rating?
357-46-053	How is a higher education employee's seniority date determined?
357-46-055	How is a general government employee's seniority date determined?
357-46-056	How does a general government employee's seniority as of June 30, 2005 transfer under Title 357 WAC?
357-46-057	When is an employee considered to have a break in state service?
357-46-058	Is an employee who is rehired following layoff considered to have had a break in state service?
357-46-060	Does a veteran receive any preference in layoff?
357-46-063	May an employer temporarily layoff an employee?
357-46-064	Are there any limits to temporary layoff?
357-46-065	Under the provisions of temporary layoff, what happens if an employer has less than twenty hours per week of work for an employee to perform?
357-46-066	What is the notice requirement to temporarily layoff an employee?
357-46-067	What is an employee's status during temporary layoff?
357-46-068	At the conclusion of a temporary layoff, does an employee have the right to return to the position he/she held immediately prior to being temporarily laid off?
357-46-095	Who is eligible for the general government transition pool program?
357-46-100	Who administers and establishes operating procedures for the general government transition pool program?
357-46-110	Must employees who are appointed to a position through the layoff process serve any type of review period?
357-46-125	What happens if an employee does not complete the transition review period?
357-46-145	To whom and by when must an individual request a review of the removal from an internal or statewide layoff list?
357-46-170	What is the notice requirement before separating an employee due to disability under the provisions of WAC 357-46-160?
357-46-200	What is the notice requirement before separating an employee for nondisciplinary reasons under the provisions of WAC 357-46-195?
357-46-215	How is an employee who is being separated for unauthorized absence notified?
357-46-220	How can a permanent employee separated for unauthorized absence petition for reinstatement?

357-46-222

Must the employer respond to an employee's petition for reinstatement within a specific time frame?

357-46-225

Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-46-220?

WAC 357-46-010 What are the reasons for layoff?

(1) Employees may be laid off without prejudice according to layoff procedures that are consistent with these rules. The reasons for layoff include, but are not limited to, the following:

- (a) Lack of funds;
- (b) Lack of work; or
- (c) Organizational change.

(2) Examples of layoff actions due to lack of work may include, but are not limited to:

- (a) Termination of a project or special employment;
- (b) Availability of fewer positions than there are employees entitled to such positions;
- (c) Employee's ineligibility to continue in a position following its reallocation to a class with a higher salary range maximum; or

(d) Employee's ineligibility to continue, or choice not to continue, in a position following its reallocation to a class with a lower salary range maximum.

[(e)] Elimination of a position due to the work of the position being competitively contracted.

[Statutory Authority: Chapter 41.06 RCW. 05-19-004, § 357-46-010, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-010, filed 9/1/04, effective 7/1/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 357-46-012 Following the award of a contract under the competitive contracting process, how does an employer layoff displaced employees as defined by WAC 357-43-001? (1) If an employee business unit as defined by WAC 357-43-001 is not awarded the contract, all displaced employees as defined by WAC 357-43-001 are subject to the employer's layoff procedure when the positions are eliminated or reduced.

(2) Displaced employees as defined by WAC 357-43-001 who are not part of the employee business unit awarded the contract are subject to the employer's layoff procedure when the employees' positions are eliminated or reduced. (See WAC 357-43-008 for what happens if a displaced employee chooses to be removed from an employee business unit.)

(3) Displaced employees as defined by WAC 357-43-001 who are part of the employee business unit awarded the contract become an employee business unit member on the effective date of the contract. The layoff rights of employee business unit members are determined by the employee business unit's layoff procedure as provided in WAC 357-43-100. Employee business unit members do not have layoff rights under chapter 357-46 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-19-004, § 357-46-012, filed 9/8/05, effective 10/10/05.]

WAC 357-46-050 How does an employer determine an employee's employment retention rating? The employer determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055 for general government employees and 357-46-053 for higher education employees. Employers with performance management confirmation may consider properly documented performance in addition to seniority. If performance is not considered, an employee's employment retention rating is equal to the employee's seniority.

[Statutory Authority: Chapter 41.06 RCW. 05-12-084, § 357-46-050, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-050, filed 9/1/04, effective 7/1/05.]

WAC 357-46-053 How is a higher education employee's seniority date determined? For higher education employees, the seniority date is determined in accordance with the employer's layoff procedure. The employer's layoff procedure must specify a uniform method for determining the seniority date for employees of the higher education institution or related board who are covered by the civil service rules. Employees on military leave as provided in WAC 357-31-370 must not have their seniority date adjusted for the time spent on military leave without pay.

[Statutory Authority: Chapter 41.06 RCW. 05-12-075, § 357-46-053, filed 5/27/05, effective 7/1/05.]

WAC 357-46-055 How is a general government employee's seniority date determined? (1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service as adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

- (a) Military leave as provided in WAC 357-31-370;
 - (b) Compensable work-related injury or illness leave;
 - (c) Government service leave not to exceed two years and one month;
 - (d) Educational leave, contingent upon successful completion of the coursework; and/or
 - (e) Reducing the effects of layoff.
- (f) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

(2) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

- (a) Military leave as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;
- (c) Government service leave not to exceed two years and one month;
- (d) Educational leave, contingent upon successful completion of the coursework; and/or
- (e) Reducing the effects of layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-08-135, § 357-46-055, filed 4/6/05, effective 7/1/05.]

WAC 357-46-056 How does a general government employee's seniority as of June 30, 2005 transfer under Title 357 WAC? A general government employee's unbroken service date as of June 30, 2005 will become the employee's seniority date as of July 1, 2005. From July 1, 2005 forward, any adjustments to the seniority date for leave without pay must be in accordance with WAC 357-46-055.

[Statutory Authority: Chapter 41.06 RCW. 05-08-135, § 357-46-056, filed 4/6/05, effective 7/1/05.]

WAC 357-46-057 When is an employee considered to have a break in state service? An employee has a break in his/her continuous state service if the employee is separated, dismissed, or resigns from state service. A furlough for the purposes of temporary layoff as provided in WAC 357-46-063 is not considered a break in continuous state service.

[Statutory Authority: Chapter 41.06 RCW. 05-12-073, § 357-46-057, filed 5/27/05, effective 7/1/05.]

WAC 357-46-058 Is an employee who is rehired following layoff considered to have had a break in state service? (1) An employee laid off in accordance with the provisions of WAC 357-46-010 is not considered to have had a break in continuous state service if within two years of separation the employee is appointed to a position:

- (a) From a layoff list or the general government transition pool; or
 - (b) As a promotional candidate in accordance with the employer's promotional policy.
- (2) Upon appointment, the employee is reinstated with the seniority and unbroken service the employee had at the time of layoff. For a general government employee, the time spent off the payroll due to layoff is treated like leave without pay and seniority and unbroken service dates must be adjusted in accordance with WAC 357-31-345 and 357-46-055 respectively.

[Statutory Authority: Chapter 41.06 RCW. 05-12-073, § 357-46-058, filed 5/27/05, effective 7/1/05.]

WAC 357-46-060 Does a veteran receive any preference in layoff? (1) An eligible veteran receives a preference by having his/her seniority increased. This is done by adding the eligible veteran's total active military service, not to exceed five years, to his/her unbroken service date.

(2) An eligible veteran is defined as any permanent employee who:

- (a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and
- (b) Has received, upon termination of such service:
 - (i) An honorable discharge;
 - (ii) A discharge for physical reasons with an honorable record; or
 - (iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired with twenty or more

years' active military service and has military retirement pay in excess of five hundred dollars per month.

(4) The surviving spouse of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsection (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-46-060, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-060, filed 9/1/04, effective 7/1/05.]

WAC 357-46-063 May an employer temporarily lay-off an employee? For any of the reasons specified in WAC 357-46-010, an employer may temporarily layoff an employee by:

(1) Reducing the number of hours an employee is scheduled to work; or

(2) Furloughing the employee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-063, filed 5/27/05, effective 7/1/05.]

WAC 357-46-064 Are there any limits to temporary layoff? Under the provisions of WAC 357-46-063, an employer may not:

(1) Furlough an employee for more than thirty calendar days in a calendar year; or

(2) Temporarily reduce an employee's regular work schedule to less than twenty hours a week for more than sixty calendar days in a calendar year.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-064, filed 5/27/05, effective 7/1/05.]

WAC 357-46-065 Under the provisions of temporary layoff, what happens if an employer has less than twenty hours per week of work for an employee to perform? If an employer has less than twenty hours per week of work for an employee to perform during a period of temporary layoff, the employer must notify the employee that he/she is being furloughed. The employer may then offer the available work hours to the employee as a nonpermanent appointment under the provisions of WAC 357-19-360 or temporary appointment under the provisions of WAC 357-19-435.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-065, filed 5/27/05, effective 7/1/05.]

WAC 357-46-066 What is the notice requirement to temporarily layoff an employee? An employer must provide the employee seven calendar days' notice of temporary layoff. The temporary layoff notice must inform the employee of his/her status during temporary layoff and the expected duration of the temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-066, filed 5/27/05, effective 7/1/05.]

WAC 357-46-067 What is an employee's status during temporary layoff? (1) Hours not worked due to temporary layoff are not treated as leave without pay, therefore:

(a) An employee's anniversary date, seniority, or unbroken service date is not adjusted for periods of time spent on temporary layoff; and

(b) An employee continues to accrue vacation and sick leave in accordance with chapter 357-31 WAC.

(2) An employee who is temporarily laid off is not entitled to:

(a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;

(b) Payment for his/her vacation leave balance; and

(c) Use of his/her accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds.

(3) If the temporary layoff was not due to lack of funds, an employer may allow an employee to use accrued vacation leave in lieu of temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-067, filed 5/27/05, effective 7/1/05.]

WAC 357-46-068 At the conclusion of a temporary layoff, does an employee have the right to return to the position he/she held immediately prior to being temporarily laid off? At the conclusion of the temporary layoff, the employee has the right to resume the position he/she held immediately prior to being temporarily laid off. The employee returns with the same status and percentage of appointment he/she held prior to the layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-12-074, § 357-46-068, filed 5/27/05, effective 7/1/05.]

WAC 357-46-095 Who is eligible for the general government transition pool program? The following individuals are eligible to participate in the general government transition pool program:

(1) All general government permanent employees separated by layoff or notified by their employer that they are at risk of layoff;

(2) All general government permanent employees who are reverted and not returned to a permanent position in the class in which the employee last held permanent status;

(3) Employees who are eligible to participate in the return-to-work initiative program in accordance with chapter 357-19 WAC;

(4) Permanent Washington management service employees who accept a position in Washington general service and are being voluntarily or involuntarily reverted during the trial service period;

(5) Former permanent classified general government employees who have submitted a written request for reemployment within two (2) years of disability separation and who have met the reemployment requirements of WAC 357-19-475;

(6) General government employee business unit members whose contract has expired or been terminated; and

(7) Permanent Washington management service employees who accept acting appointments and who do not return on the agreed upon date in accordance with WAC 357-58-275.

[Statutory Authority: Chapter 41.06 RCW. 05-21-058, § 357-46-095, filed 10/13/05, effective 11/15/05; 05-12-077, § 357-46-095, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-095, filed 9/1/04, effective 7/1/05.]

WAC 357-46-100 Who administers and establishes operating procedures for the general government transition pool program? The department administers the general government transition pool program. The director develops and implements appropriate operating procedures to facilitate the program. The operating procedures include the following requirements:

(1) General government employers must certify transition pool candidates when there are no internal layoff list candidates.

(2) Transition pool candidates must satisfy the competency and other position requirements to be considered for a position.

[Statutory Authority: Chapter 41.06 RCW. 05-19-005, § 357-46-100, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-100, filed 9/1/04, effective 7/1/05.]

WAC 357-46-110 Must employees who are appointed to a position through the layoff process serve any type of review period? An employer may require a six-month transition review period when an employee is appointed to a position as a layoff option or is appointed from the internal or statewide layoff list or the general government transition pool. (See WAC 357-46-115 for exceptions to this rule.)

[Statutory Authority: Chapter 41.06 RCW. 05-12-077, § 357-46-110, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-110, filed 9/1/04, effective 7/1/05.]

WAC 357-46-125 What happens if an employee does not complete the transition review period? (1) The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate from a position. An employee may voluntarily separate a maximum of three times as a result of a single layoff action.

(2) When an employee who is serving a transition review period following appointment to a position as a layoff option is separated from the position during the transition review period, the following applies:

(a) The employee must be provided with a layoff option in accordance with WAC 357-46-035 if the employer involuntarily separates the employee; or

(b) The employee's name is placed on any layoff lists for which the employee is eligible if the employee voluntarily separates.

(3) When an employee who is serving a transition review period following appointment from a layoff list or the general government transition pool is separated from the position during a transition review period, the employee's name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or he/she is rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

(4) Separation during the transition review period is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. 05-12-078, § 357-46-125, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-125, filed 9/1/04, effective 7/1/05.]

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WAC 357-46-145 To whom and by when must an individual request a review of the removal from an internal or statewide layoff list? If the employer is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the employer. If the individual is not in agreement with the results of the employer's review, he/she may request a director's review of the removal. If the department is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the director.

The request for a review must be received at the employer's office or the director's office within twenty (20) calendar days following notice of the action for which a review is requested.

[Statutory Authority: Chapter 41.06 RCW. 05-16-042, § 357-46-145, filed 7/27/05, effective 9/1/05; 04-18-114, § 357-46-145, filed 9/1/04, effective 7/1/05.]

WAC 357-46-170 What is the notice requirement before separating an employee due to disability under the provisions of WAC 357-46-160? Before separating an employee from employment under the provisions of WAC 357-46-160, the employer must provide at least seven calendar days' written notice to the employee. For permanent employees, the notice must include information on how to apply for reemployment as provided in WAC 357-19-475.

[Statutory Authority: Chapter 41.06 RCW. 05-19-008, § 357-46-170, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-170, filed 9/1/04, effective 7/1/05.]

WAC 357-46-200 What is the notice requirement before separating an employee for nondisciplinary reasons under the provisions of WAC 357-46-195? (1) Before separating an employee from employment under the provisions of WAC 357-46-195, the employer must provide at least fifteen calendar days' written notice to the employee and state the reason for separation. If, within the notice period, the employee satisfactorily demonstrates why the separation should not occur, the appointing authority may rescind the separation notice.

(2) The employer should consider reassignment during the notice period if continued employment in the position represents a liability.

(3) This section does not apply to separations due to disability. WAC 357-46-170 specifies the notice requirement when separating an employee due to disability.

[Statutory Authority: Chapter 41.06 RCW. 05-19-008, § 357-46-200, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-200, filed 9/1/04, effective 7/1/05.]

WAC 357-46-215 How is an employee who is being separated for unauthorized absence notified? Following an unauthorized absence of at least three consecutive working days, the employer may separate an employee by sending a separation notice to the employee by personal service or by United States mail to the last known address of the employee. For a permanent employee, the separation notice must inform the employee of the ability to petition the employer for reinstatement and the right to appeal the separation to the board as provided in chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-19-007, § 357-46-215, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-215, filed 9/1/04, effective 7/1/05.]

WAC 357-46-220 How can a permanent employee separated for unauthorized absence petition for reinstatement? A permanent employee separated for unauthorized absence may petition the appointing authority in writing to consider reinstatement. The employee must provide proof that the absence was involuntary or unavoidable. The employer must receive the employee's petition within seven calendar days of personal service or deposit in the United States mail of the separation notice.

[Statutory Authority: Chapter 41.06 RCW. 05-19-007, § 357-46-220, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-220, filed 9/1/04, effective 7/1/05.]

WAC 357-46-222 Must the employer respond to an employee's petition for reinstatement within a specific time frame? The employer must respond in writing to an employee's petition for reinstatement as provided in WAC 357-46-220 within seven calendar days of receipt of the employee's petition.

[Statutory Authority: Chapter 41.06 RCW. 05-19-007, § 357-46-222, filed 9/8/05, effective 10/10/05.]

WAC 357-46-225 Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-46-220? Within thirty calendar days of the effective date of the separation, a permanent employee may appeal the separation to the board. Petitioning the employer for reinstatement does not lengthen the thirty calendar days within which the employee may appeal to the board. Appeals may not be based on information other than that shared with the employer at the time of the request for reinstatement.

[Statutory Authority: Chapter 41.06 RCW. 05-19-007, § 357-46-225, filed 9/8/05, effective 10/10/05; 04-18-114, § 357-46-225, filed 9/1/04, effective 7/1/05.]

Chapter 357-49 WAC DIRECTOR'S REVIEW

WAC

357-49-010	For what actions may an individual request a director's review?
357-49-017	When is a director's review part of the appeal process?
357-49-018	Does an individual or an employer have the right to appeal the results of a director's review to the board?
357-49-019	What civil service rules govern the director's review process?
357-49-022	Who has the burden of proof in a director's review?
357-49-025	How must exhibits for director's reviews be prepared and exchanged?
357-49-035	When does a director's determination become final?

WAC 357-49-010 For what actions may an individual request a director's review? (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's

examination results are final and not subject to further review or appeal.

(2) An individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

(4) In addition to the subject listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. An employee may not request a director's review of:

(a) Allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020;

(b) An alleged violation of civil service laws or rules pertaining to layoff, except for removal of his/her name from a layoff list as provided in subsection 2 of this section; or

(c) The actions of reduction, dismissal, suspension, demotion or separation.

(5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-010, filed 9/8/05, effective 10/10/05; 05-12-082, § 357-49-010, filed 5/27/05, effective 7/1/05; 05-01-182, § 357-49-010, filed 12/21/04, effective 7/1/05.]

WAC 357-49-017 When is a director's review part of the appeal process? When an individual requests a director's review for any of the following types of actions, the director's review constitutes the initial step of the appeal process:

(1) Review of an employee's allocation or reallocation per WAC 357-13-080;

(2) Review of an alleged violation of civil service law or rules per WAC 357-49-010 (2) and (4); and

(3) Review of a remedial action request per WAC 357-49-010(5).

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-017, filed 9/8/05, effective 10/10/05.]

WAC 357-49-018 Does an individual or an employer have the right to appeal the results of a director's review to the board? Except as provided in WAC 357-49-010(1), either party may appeal the results of the director's review to the board by filing written exceptions to the director's determination in accordance with chapter 357-52 WAC. In accordance with WAC 357-52-010, written exceptions for appeals of allocation or reallocation are filed:

(1) Through December 31, 2005, with personnel appeals board; and

(2) As of January 1, 2006, with personnel resources board.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-018, filed 9/8/05, effective 10/10/05.]

WAC 357-49-019 What civil service rules govern the director's review process? Chapter 357-49 WAC governs the process under which director's reviews are conducted.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-019, filed 9/8/05, effective 10/10/05.]

WAC 357-49-022 Who has the burden of proof in a director's review? The individual or employee requesting the director's review has the burden of proof in a director's review.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-022, filed 9/8/05, effective 10/10/05.]

WAC 357-49-025 How must exhibits for director's reviews be prepared and exchanged? (1) When exhibits are submitted for any director's review, one copy must be provided for the director or designee and one copy must be provided to the opposing party.

(2) For allocation reviews, employees must submit all exhibits through the employer's human resource office. The employer's human resource representative is responsible for forwarding all exhibits to the director or designee within the time frames set by the director or designee.

(3) For all other director's reviews, the party submitting the exhibit is responsible for providing copies to the director or designee and opposing party within the time frames set by the director or designee.

(4) The parties must pre-mark their exhibits for identification before they are provided to the opposing party and submitted to the director or designee.

(5) The director or designee may limit the number, scope and timing of exhibits.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-025, filed 9/8/05, effective 10/10/05.]

WAC 357-49-035 When does a director's determination become final? (1) Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are not subject to further review or appeal and become final when notice of the determination is served on the parties.

(2) For all other director's determinations, if no exceptions are filed, the determination becomes final thirty calendar days after notice of the determination is served on the parties.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-49-035, filed 9/8/05, effective 10/10/05.]

Chapter 357-52 WAC APPEALS

WAC

357-52-010	What actions may be appealed?
357-52-190	What must be included in a party's written exceptions to a recommended decision?
357-52-193	What must be included in a party's written exceptions to a director's determination?

357-52-207
357-52-208

How does the board decide an appeal on exceptions?
How does the board notify the parties whether the appeal on exceptions will be decided upon written or oral arguments?

WAC 357-52-010 What actions may be appealed? (1)

Any permanent employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(2) Any employee, subject to the statutory jurisdiction of the board who is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title 357 WAC, or an employer, may appeal to the board as follows:

(a) For a violation of state civil service law or rules relating to a layoff action, excluding removal from a layoff list, the employee may appeal directly to the board.

(b) For a violation of state civil service law or rules relating to any other subject, including removal from a layoff list, the employee or employer may appeal to the board by filing written exceptions to the director's review determination, except as provided in WAC 357-49-010(1).

(3) Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources board by filing written exceptions to the director's review determination.

(4) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(5) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(6) Any permanent Washington management service employee who is dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a reduction-in-force action is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-52-010, filed 9/8/05, effective 10/10/05; 05-01-190, § 357-52-010, filed 12/21/04, effective 7/1/05.]

WAC 357-52-190 What must be included in a party's written exceptions to a recommended decision? The written exceptions must set forth specific exceptions to the recommended decision and any additional errors a party contends were made by the hearing officer. If a party contends that the hearing officer has made an error which requires a review of the record, the party must identify the specific portion(s) of the record that support each claimed error.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-52-190, filed 9/8/05, effective 10/10/05; 05-01-191, § 357-52-190, filed 12/21/04, effective 7/1/05.]

WAC 357-52-193 What must be included in a party's written exceptions to a director's determination? The

written exceptions must set forth specific exceptions to the director's determination and any additional errors a party contends were made by the director's designee. The party must identify the specific portion(s) of the record that support each exception or claimed error.

[Statutory Authority: Chapter 41.06 RCW. 05-19-011, § 357-52-193, filed 9/8/05, effective 10/10/05.]

WAC 357-52-207 How does the board decide an appeal on exceptions? The board reviews the record created by the director's designee or hearing officer. At the board's discretion, the appeal is decided based upon:

- (1) The record and the written arguments on the exceptions, or
- (2) The record and oral arguments on the exceptions.

[Statutory Authority: Chapter 41.06 RCW. 05-12-087, § 357-52-207, filed 5/27/05, effective 7/1/05.]

WAC 357-52-208 How does the board notify the parties whether the appeal on exceptions will be decided upon written or oral arguments? (1) The board provides thirty calendar days' written notice to the parties of:

- (a) The timeline for submitting written arguments; or
- (b) The date of the hearing.
- (2) The parties may agree to less than thirty calendar days' notice.

[Statutory Authority: Chapter 41.06 RCW. 05-12-087, § 357-52-208, filed 5/27/05, effective 7/1/05.]

Chapter 357-55 WAC COMBINED FUND DRIVE

WAC

357-55-010	What is the purpose of the combined fund drive rules?
357-55-020	What is the intent of the combined fund drive rules?
357-55-030	Is the combined fund drive campaign authorized to collect contributions in state workplaces?
357-55-040	Do the combined fund drive rules apply to collection of gifts in kind?
357-55-110	What definitions apply to this chapter of the civil service rules?
357-55-210	What is the committee's name that is authorized in accordance with RCW 41.04.033 through 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01?
357-55-215	What does the CFD committee do?
357-55-220	How are members of the CFD committee appointed?
357-55-225	When will the CFD committee meet?
357-55-230	What is a quorum for the CFD committee?
357-55-235	What are the CFD committee's responsibilities for a charity drive?
357-55-240	What are the CFD committee's responsibilities for standards and criteria to participate in the fund drive?
357-55-245	Who completes, evaluates and approves the application printed and distributed by the CFD committee?
357-55-250	Who develops the official CFD campaign and publicity materials?
357-55-255	Who determines the CFD committee's administrative expenses and how are they recovered?
357-55-260	Who establishes the process for handling and depositing employee contributions?
357-55-265	Who establishes staff and volunteer positions and other groups?
357-55-270	Who engages the CFD program manager and what are the responsibilities of the program manager?
357-55-275	How may contributions intended for an organization or federation that is decertified be handled?
357-55-280	Do members of the CFD committee receive a salary and expense reimbursement?
357-55-285	When may the CFD committee enter into contracts?

357-55-310	May state employees volunteer to serve as CFD campaign executives?
357-55-320	May state agencies and higher education institutions use state resources to support the CFD campaign?
357-55-330	What is the role of the department of personnel with the CFD committee?
357-55-410	How may state employers establish a local CFD campaign?
357-55-415	When does the annual CFD campaign occur?
357-55-420	May state employers grant permission for participating organizations to share information during work hours?
357-55-425	What campaign events may occur during work hours within the campaign calendar?
357-55-430	Who may be solicited?
357-55-510	How are campaign expenses recovered?
357-55-515	May fundraising expenses be deducted from donations?
357-55-520	How are campaign expenses divided?
357-55-610	How does the CFD committee determine eligibility?
357-55-615	What notice does the CFD committee provide if an organization is not eligible?
357-55-620	What is the process to request reconsideration of noneligibility?
357-55-625	May a participating organization be decertified or disqualified from participating in the combined fund drive?
357-55-630	What notice does the CFD committee provide when a decertification decision is made?
357-55-635	When is decertification of an organization effective?
357-55-640	When will payments of contributions cease for a decertified organization?
357-55-645	May requests be made for reconsideration of a decertification decision?

WAC 357-55-010 What is the purpose of the combined fund drive rules? The combined fund drive rules are adopted to implement a charitable CFD campaign for the efficient, long term collection of voluntary state employee and public retiree contributions to qualifying, not-for-profit organizations. The state hopes that a uniform policy for fund raising will encourage generosity in voluntary contributions for the qualified participating organizations and federations.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-010, filed 4/6/05, effective 7/1/05.]

WAC 357-55-020 What is the intent of the combined fund drive rules? The intent of the CFD rules is to:

- (1) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (2) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;
- (3) Minimize both the disruption of the state workplace and the costs to taxpayers caused by multiple charitable fund drives; and
- (4) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-020, filed 4/6/05, effective 7/1/05.]

WAC 357-55-030 Is the combined fund drive campaign authorized to collect contributions in state workplaces? The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-030, filed 4/6/05, effective 7/1/05.]

WAC 357-55-040 Do the combined fund drive rules apply to collection of gifts in kind? The rules in chapter 357-55 WAC do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-040, filed 4/6/05, effective 7/1/05.]

WAC 357-55-110 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:

(1) **CFD:** Washington state combined fund drive.

(2) **CFD campaign:** The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

(3) **CFD committee:** The Washington state combined fund drive (CFD) committee described in WAC 357-55-215.

(4) **Federation:** A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

(5) **Local presence:** Demonstration of direct and substantial presence in the local CFD campaign community through:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community; or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof; or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) When approved by the CFD committee, any not-for-profit federation or charitable organization, whose services are provided exclusively or in substantial preponderance overseas, and which meets all the criteria set forth in these rules except for the requirement of local presence, will be eligible to be a participating federation or participating organization.

(6) **Overseas:** Areas outside of the District of Columbia and the fifty states of the United States of America.

(7) **Participating organization:** A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

(8) **State employer:** Washington state agencies and higher education institutions and related boards.

(9) **Year of contributions:** The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions will begin with January and end with the ensuing December.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-110, filed 4/6/05, effective 7/1/05.]

WAC 357-55-210 What is the committee's name that is authorized in accordance with RCW 41.04.033 through 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01? The committee will be known as the Washington state combined fund drive committee and referred to in these rules as the CFD committee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-210, filed 4/6/05, effective 7/1/05.]

WAC 357-55-215 What does the CFD committee do? A CFD committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to not-for-profit organizations engaged in charitable, public health, public welfare and social services, environmental or arts purposes.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-215, filed 4/6/05, effective 7/1/05.]

WAC 357-55-220 How are members of the CFD committee appointed? The CFD committee must be composed of not more than twelve members appointed by the governor for three year terms. Appointments must be consistent with Executive Order 01-01. Compensation and reimbursement for CFD committee members will be as provided in WAC 357-55-280.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-220, filed 4/6/05, effective 7/1/05.]

WAC 357-55-225 When will the CFD committee meet? The CFD committee will meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-225, filed 4/6/05, effective 7/1/05.]

WAC 357-55-230 What is a quorum for the CFD committee? Fifty percent of the appointed members will constitute a quorum for the conduct of business for the CFD committee. A majority vote of the quorum will be needed to carry a motion.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-230, filed 4/6/05, effective 7/1/05.]

WAC 357-55-235 What are the CFD committee's responsibilities for a charity drive? The CFD committee will organize and effect one solicitation effort for charitable donations each year.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-235, filed 4/6/05, effective 7/1/05.]

WAC 357-55-240 What are the CFD committee's responsibilities for standards and criteria to participate in the fund drive? The CFD committee will establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD committee. Changes in the standards and criteria will be made only after sixty days notice is given by the CFD committee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-240, filed 4/6/05, effective 7/1/05.]

WAC 357-55-245 Who completes, evaluates and approves the application printed and distributed by the CFD committee? The application which is distributed by the CFD committee will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign.

The CFD committee will evaluate each completed application, based on the established standards and criteria, and will determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-245, filed 4/6/05, effective 7/1/05.]

WAC 357-55-250 Who develops the official CFD campaign and publicity materials? The CFD committee will develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-250, filed 4/6/05, effective 7/1/05.]

WAC 357-55-255 Who determines the CFD committee's administrative expenses and how are they recovered? The CFD committee will determine its reasonable administrative expenses to conduct the CFD campaign and recover those expenses.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-255, filed 4/6/05, effective 7/1/05.]

WAC 357-55-260 Who establishes the process for handling and depositing employee contributions? The CFD committee will establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts will be deposited into the CFD account in the custody of the state treasurer according to state laws.

[Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-260, filed 4/6/05, effective 7/1/05.]

WAC 357-55-265 Who establishes staff and volunteer positions and other groups? The CFD committee will establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-265, filed 4/6/05, effective 7/1/05.]

WAC 357-55-270 Who engages the CFD program manager and what are the responsibilities of the program manager? The CFD committee will engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-270, filed 4/6/05, effective 7/1/05.]

WAC 357-55-275 How may contributions intended for an organization or federation that is decertified be handled? The CFD committee will direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, will be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it will determine the appropriate disposition of the funds.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-275, filed 4/6/05, effective 7/1/05.]

WAC 357-55-280 Do members of the CFD committee receive a salary and expense reimbursement? Members of the CFD committee, who are state employees, will serve without additional salary, but will be reimbursed by their state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by the CFD committee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-280, filed 4/6/05, effective 7/1/05.]

WAC 357-55-285 When may the CFD committee enter into contracts? The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities will not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-285, filed 4/6/05, effective 7/1/05.]

WAC 357-55-310 May state employees volunteer to serve as CFD campaign executives? Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-310, filed 4/6/05, effective 7/1/05.]

WAC 357-55-320 May state agencies and higher education institutions use state resources to support the CFD campaign? State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-320, filed 4/6/05, effective 7/1/05.]

WAC 357-55-330 What is the role of the department of personnel with the CFD committee? The department of personnel will provide the administrative support for the operation of the CFD committee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-330, filed 4/6/05, effective 7/1/05.]

WAC 357-55-410 How may state employers establish a local CFD campaign? Each state employer may establish local CFD campaigns within the geographical area it covers.

Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-410, filed 4/6/05, effective 7/1/05.]

WAC 357-55-415 When does the annual CFD campaign occur? The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 time frame.

Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven-week period as local conditions require. The CFD campaign will not extend beyond December 15. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-415, filed 4/6/05, effective 7/1/05.]

WAC 357-55-420 May state employers grant permission for participating organizations to share information during work hours? State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating organizations may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution deter-

mines such communication is not disruptive to the local state office or institution.

This section will not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-420, filed 4/6/05, effective 7/1/05.]

WAC 357-55-425 What campaign events may occur during work hours within the campaign calendar? Solicitations of employees will be conducted during work hours using methods that permit true voluntary giving. Solicitations will reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other nonsolicitation events to build support for the CFD are encouraged.

Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign when approved, in advance, by the state employer.

At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-425, filed 4/6/05, effective 7/1/05.]

WAC 357-55-430 Who may be solicited? Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-430, filed 4/6/05, effective 7/1/05.]

WAC 357-55-510 How are campaign expenses recovered? The CFD committee will recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-510, filed 4/6/05, effective 7/1/05.]

WAC 357-55-515 May fundraising expenses be deducted from donations? Fundraising expenses will not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-515, filed 4/6/05, effective 7/1/05.]

WAC 357-55-520 How are campaign expenses divided? The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organiza-

tions and federations reflecting their individual percentage share of gross CFD campaign receipts.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-520, filed 4/6/05, effective 7/1/05.]

WAC 357-55-610 How does the CFD committee determine eligibility? The CFD committee will use the information supplied under this chapter and the standards and criteria set forth in the application form, to determine which not-for-profit organizations and federations are eligible to participate in annual CFD campaigns.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-610, filed 4/6/05, effective 7/1/05.]

WAC 357-55-615 What notice does the CFD committee provide if an organization is not eligible? If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-615, filed 4/6/05, effective 7/1/05.]

WAC 357-55-620 What is the process to request reconsideration of noneligibility? The following process will be used for requests for reconsideration of noneligibility:

(1) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(2) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written decision. The CFD committee's reconsideration decision is final.

(3) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(4) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-620, filed 4/6/05, effective 7/1/05.]

WAC 357-55-625 May a participating organization be decertified or disqualified from participating in the combined fund drive? Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by majority vote of the CFD committee for one or more of the following reasons:

(1) Failing to comply with the rules contained in this chapter;

(2) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(3) Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-625, filed 4/6/05, effective 7/1/05.]

WAC 357-55-630 What notice does the CFD committee provide when a decertification decision is made? The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-630, filed 4/6/05, effective 7/1/05.]

WAC 357-55-635 When is decertification of an organization effective? Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-635, filed 4/6/05, effective 7/1/05.]

WAC 357-55-640 When will payments of contributions cease for a decertified organization? Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date, but originally pledged to an organization or federation that is decertified, will be disbursed as directed by the CFD committee.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-640, filed 4/6/05, effective 7/1/05.]

WAC 357-55-645 May requests be made for reconsideration of a decertification decision? Requests for reconsideration of a decertification decision will be governed by the procedures set forth for reconsideration of eligibility in WAC 357-55-620.

[Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-645, filed 4/6/05, effective 7/1/05.]

Chapter 357-58 WAC

WASHINGTON MANAGEMENT SERVICE

WAC

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- 357-58-545 Does the director of the department of personnel have the rights to review an agency's administration of WMS?

WAC 357-58-005 What is the key role and accountability for Washington management service employees in state government? State managers have a crucial role in ensuring that the public receives needed government services in the most efficient and cost-effective manner possible. Managers must direct the development and implementation of policies and programs that achieve results. Managers must attract, develop, and retain a competent, productive workforce in order to successfully carry out state programs. Managers must build and sustain a workplace culture that focuses on performance and outcomes.

State managers are expected to personally commit to demonstrating excellent leadership competencies and achieving programmatic results. Also, it is essential that agency leaders hold their managers accountable for properly leading and managing their human resources - their employees. This includes aligning the workforce with the organization's strategic plan, hiring the best qualified staff, creating a productive work environment, setting clear performance expectations, providing day-to-day feedback and support, developing staff competencies, conducting regular performance evaluations, implementing timely and meaningful rewards, and, holding employees accountable for successful performance.

The efficiency and effectiveness with which government services are delivered to the citizens of Washington State depends largely on the quality and productivity of state employees. Each manager has the unique and critical responsibility to foster the building of a performance-based culture that will enable workforce success.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-005, filed 5/27/05, effective 7/1/05.]

WAC 357-58-010 What is the purpose of the Washington management service (WMS) rules? The purpose of chapter 357-58 WAC is to establish a system of personnel administration called the Washington management service (WMS) as authorized in RCW 41.06.500. Chapter 357-58 WAC comprehensively covers the personnel matters relating to WMS positions.

The WMS embodies the concepts of a performance management work environment that recognizes competency-based appointments and compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-010, filed 5/27/05, effective 7/1/05.]

WAC 357-58-015 Who is authorized to adopt rules for the WMS? The director of the department of personnel adopts the WMS rules after consultation with state agencies.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-015, filed 5/27/05, effective 7/1/05.]

WAC 357-58-020 What are the goals of the WMS rules? In accordance with RCW 41.06.500, the WMS rules must adhere to the following goals:

(1) Simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(2) Flexibility in setting and changing salaries and a compensation system that is consistent with RCW 41.06.500;

(3) Performance appraisal system that emphasizes individual accountability, program results and efficient management of resources, effective planning, organization, and communication skills, valuing and managing workplace diversity, development of leadership and interpersonal abilities, and employee development;

(4) Strengthened management training and career development programs that build critical management competencies, focusing on managing and valuing workplace diversity, empowering employees by enabling them to share in workplace decision making, and to be innovative, willing to take risks, and able to accept and deal with change, promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved, and enhancing mobility and career advancement opportunities;

(5) Flexibility in recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate position-based competencies, leadership skills and training, allowing consideration of all qualified candidates for positions as managers, and achieving affirmative action goals and diversity in the workplace;

(6) Provisions that managers may only be reduced, dismissed, suspended, or demoted for cause;

(7) Facilitation of decentralized and regional administration; and

(8) Ensuring that decisions are not based on patronage or political affiliation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-020, filed 5/27/05, effective 7/1/05.]

WAC 357-58-025 Are WMS employees included in the classified service and what rules apply to WMS employees and positions? WMS employees are part of the classified service.

Chapter 357-58 WAC applies to classified employees and positions that meet the definition of manager in WAC 357-58-035.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-025, filed 5/27/05, effective 7/1/05.]

WAC 357-58-030 Who determines if a position is included in the WMS? Each agency identifies all positions that fit the definition of manager. Those identified positions are WMS positions.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-030, filed 5/27/05, effective 7/1/05.]

WAC 357-58-035 What is the definition of a manager or managerial employee? In accordance with RCW 41.06.022, a manager or managerial employee is defined as the incumbent of a position that:

- (1) Formulates statewide policy or directs the work of an agency or agency subdivision;
- (2) Administers one or more statewide policies or programs of an agency or agency subdivision;
- (3) Manages, administers, and controls a local branch office of an agency or an agency subdivision, including the physical, financial, or personnel resources;
- (4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; and/or
- (5) Functions above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-035, filed 5/27/05, effective 7/1/05.]

WAC 357-58-040 Are there any manager positions or managerial employees that are not included in the WMS? Manager positions or managerial employees that are exempt from civil service and manager positions or managerial employees of institutions of higher education and related boards are not included in WMS or covered by chapter 357-58 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-040, filed 5/27/05, effective 7/1/05.]

WAC 357-58-045 Who is covered by the WMS rules? Chapter 357-58 WAC applies only to managers and do not apply to classified employees in the Washington general service.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-045, filed 5/27/05, effective 7/1/05.]

WAC 357-58-050 What chapters of civil service rules apply to WMS positions? Other chapters of civil service rules do not apply to WMS positions or employees except for the chapters listed below. If a WMS issue is identified that the director of the department of personnel has not specifically addressed in the adoption of the WMS rules, the other civil

service rules do not apply or take precedence in addressing the issue.

Except where specifically stated otherwise, the following chapters apply to positions or employees included in the WMS.

- WAC 357-04 General provisions
- WAC 357-07 Public records
- WAC 357-22 Personnel files
- WAC 357-25 Affirmative action program
- WAC 357-26 Reasonable accommodation
- WAC 357-31 Leave
- WAC 357-34 Employee training and development
- WAC 357-37 Performance management
- WAC 357-40 Discipline
- WAC 357-43 Employee business units
- WAC 357-52 Appeals
- WAC 357-55 Combined fund drive

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-050, filed 5/27/05, effective 7/1/05.]

WAC 357-58-055 What civil service rules do not apply to WMS? Except where specifically stated otherwise, the following WAC chapters do not apply to positions or employees included in the Washington management service:

- WAC 357-01 Definitions
- WAC 357-10 Personnel resources board classification
- WAC 357-13 Classification
- WAC 357-16 Recruitment, assessment, and certification
- WAC 357-19 Appointments and reemployment
- WAC 357-28 Compensation
- WAC 357-46 Layoff and separation
- WAC 357-49 Director's reviews

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-055, filed 5/27/05, effective 7/1/05.]

WAC 357-58-060 Do the WMS rules apply to all general government employers? The WMS rules, chapter 357-58 WAC, apply to all general government employers.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-060, filed 5/27/05, effective 7/1/05.]

WAC 357-58-065 Definitions for WMS. The following definitions apply to chapter 357-58 WAC:

- (1) **Competencies.** Those measurable or observable knowledge, skills, abilities, and behaviors critical to success in a key job role or function.
- (2) **Dismissal.** The termination of an individual's employment for disciplinary purposes.
- (3) **Employee.** An individual working in the classified service. Employee business unit members are covered by chapter 357-43 WAC and defined in WAC 357-43-001.
- (4) **Evaluation points.** Evaluation points are the points resulting from an evaluation of a position using the managerial job value assessment chart.
- (5) **Layoff unit.** A clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

(6) **Management bands.** Management bands are a series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(7) **Performance management confirmation.** Approval granted by the director of the department of personnel to an employer allowing the employer to link individual employee performance to compensation or layoff decisions.

(8) **Premium.** Pay added to an employee's base salary on a contingent basis in recognition of special requirements, conditions, or circumstances associated with the job.

(9) **Reassignment.** A reassignment is an employer initiated movement of:

(a) a WMS employee from one position to a different position within WMS with the same salary standard and/or evaluation points; or

(b) a WMS position and its incumbent from one section, department, or geographical location to another section, department, or geographical location.

(10) **Review period.** The review period is a period of time that allows the employer an opportunity to ensure the WMS employee meets the requirements and performance standards of the position.

(11) **Salary standard.** Within a management band a salary standard is the maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

(12) **Separation.** Separation from state employment for nondisciplinary purposes.

(13) **Suspension.** An absence without pay for disciplinary purposes.

(14) **Transfer.** A WMS transfer is an employee initiated movement from one position to a different position with the same salary standard and/or same evaluation points.

(15) **Washington general service (WGS).** Washington general service is the system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which do not meet the definition of manager found in RCW 41.06.022.

(16) **Washington management service (WMS).** Washington management service is the system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 [and] 41.06.500.

[Statutory Authority: Chapter 41.06 RCW. 05-21-060, § 357-58-065, filed 10/13/05, effective 11/15/05; 05-12-068, § 357-58-065, filed 5/27/05, effective 7/1/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 357-58-070 What are the responsibilities of each agency for effectively managing and budgeting salaries for WMS positions? Each agency has the overall responsibility for effectively managing and properly budgeting for salaries based on performance management and job required competencies for its WMS positions.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-070, filed 5/27/05, effective 7/1/05.]

WAC 357-58-075 What is the requirement for agencies to develop compensation policies? Each agency must develop salary administration policies that are consistent with this chapter and guidelines established by the department for WMS positions.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-075, filed 5/27/05, effective 7/1/05.]

WAC 357-58-080 How are positions assigned to the management bands? Each agency must evaluate its WMS positions using a managerial job value assessment chart developed by the department of personnel. The number of points resulting from the evaluation determines the management band to which a position is assigned.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-080, filed 5/27/05, effective 7/1/05.]

WAC 357-58-085 Can WMS salaries be set outside the maximum of an assigned management band? Compensation for a WMS position may be set outside the maximum of the assigned management band when allowed under any provision of this chapter or when approved by the department of personnel.

[Statutory Authority: Chapter 41.06 RCW. 05-21-060, § 357-58-085, filed 10/13/05, effective 11/15/05; 05-12-068, § 357-58-085, filed 5/27/05, effective 7/1/05.]

WAC 357-58-090 For what reasons can an agency adjust a WMS salary? Salary adjustments may be made under the following conditions:

(1) Legislatively directed general and/or special increase;

(2) Documented recruitment and/or retention problems as approved by the agency director or designee; and/or

(3) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-090, filed 5/27/05, effective 7/1/05.]

WAC 357-58-095 May agencies provide progression increases for WMS employees? Employers may grant progression adjustments to employees as follows:

(1) In recognition of the employee's demonstrated growth and development; and/or

(2) If the employer has received performance management confirmation, in recognition of the employee's sustained excellence.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-095, filed 5/27/05, effective 7/1/05.]

WAC 357-58-100 Is there a limit for annual progression increases? Progression increases initiated by the agency normally will not exceed a total of **twenty-five percent** during the tenure of an employee's appointment to a position as long as the position's duties are unchanged or would not evaluate higher if new duties were assigned.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-100, filed 5/27/05, effective 7/1/05.]

WAC 357-58-105 When can exceptions to the progression increase limits be made? Only the director of the department of personnel may grant requests for exception to the progression increase limit.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-105, filed 5/27/05, effective 7/1/05.]

WAC 357-58-110 What is a promotion? A promotion is one of the following:

(1) The assignment of additional responsibilities, which results in higher evaluation points and/or a higher salary standard for the same position, or

(2) Movement to a different position that has a higher salary standard and/or higher evaluation points.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-110, filed 5/27/05, effective 7/1/05.]

WAC 357-58-115 What is a voluntary demotion and what changes may occur in salary? A voluntary demotion is a voluntary movement by an employee to a position with lower evaluation points. Such movement may result in a salary decrease.

[Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-115, filed 5/27/05, effective 7/1/05.]

WAC 357-58-120 What is a disciplinary demotion and what changes may occur in salary? Demotion for cause is a disciplinary demotion. A disciplinary demotion results in the:

(1) Assignment of responsibilities which results in a lower salary standard and/or lower evaluation points for the same position or results in the position being placed in the WGS with a lower base salary, or

(2) Movement to a different position that has a lower salary standard and/or lower evaluation points or to a WGS position with a lower base salary.

A disciplinary demotion may result in a salary decrease. Any salary decrease must comply with the salary basis test of the Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-120, filed 5/27/05, effective 7/1/05.]

WAC 357-58-125 What is an involuntary downward movement and how does that affect the salary? An involuntary downward movement is based on a nondisciplinary reassignment of duties that results in a lower salary standard and/or lower evaluation points for an employee's current position.

Such downward movement will not decrease the employee's current salary. The employee's current salary will be retained until such time as the WMS management band maximum exceeds the employee's salary or the employee leaves the position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-125, filed 5/27/05, effective 7/1/05.]

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WAC 357-58-130 Do salary increases greater than five percent for a group of employees need approval? Salary changes greater than five percent proposed for any group of employees must be reviewed and approved by the director of the department of personnel.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-130, filed 5/27/05, effective 7/1/05.]

WAC 357-58-135 Who can provide lump sum performance recognition payment to employees? The director of the department of personnel or an agency that has received performance management confirmation for decentralized compensation administration may provide additional pay to employees on a lump sum basis. Such payment to an individual or group of employees is to recognize outstanding performance or the achievement of predefined work goals. Any pay granted under this section is a premium that is not part of the base salary.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-135, filed 5/27/05, effective 7/1/05.]

WAC 357-58-140 Is there a limit to the amount an employee can receive for performance recognition pay? Over an annual period, performance recognition pay may not exceed fifteen percent of an employee's annual base salary unless approved by the director of the department of personnel.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-140, filed 5/27/05, effective 7/1/05.]

WAC 357-58-145 When may an agency authorize lump sum relocation compensation? An agency director may authorize lump sum relocation compensation, within existing resources, whenever:

(1) It is reasonably necessary that a person move his or her home to accept a transfer or appointment; or

(2) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to move his or her home in order to accept the position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-145, filed 5/27/05, effective 7/1/05.]

WAC 357-58-150 For what reasons may an employee be required to pay back the relocation payment? If the employee receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, that employee may be required to pay back the lump sum payment. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the employee to repay the relocation compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-150, filed 5/27/05, effective 7/1/05.]

WAC 357-58-155 Must the agency develop written criteria for relocation compensation? An agency must develop written criteria prior to authorizing lump sum relocation compensation. The criteria must include:

(1) A description of the circumstances for which relocation compensation will be granted; and

(2) The method that will be used to determine the amount of relocation compensation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-155, filed 5/27/05, effective 7/1/05.]

WAC 357-58-160 How are hours of work established for WMS employees? Agencies must assign each WMS position to one of the overtime eligibility designations identified in the compensation plan and determine the position's work week.

For overtime eligible employees, compensation must be in accordance with the following sections of chapter 357-28 WAC:

WAC 357-28-245
WAC 357-28-250
WAC 357-28-255
WAC 357-28-260
WAC 357-28-265
WAC 357-28-275
WAC 357-28-280
WAC 357-28-285

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-160, filed 5/27/05, effective 7/1/05.]

WAC 357-58-165 Do WMS employees receive leave benefits? Leave accrual, leave usage, and paid holidays for WMS employees must be in accordance with chapter 357-31 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-165, filed 5/27/05, effective 7/1/05.]

WAC 357-58-170 What about other pay issues? Each agency may establish policies and practices for additional compensation such as shift differential, call back pay, and standby pay in accordance with the provisions of chapter 357-28 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-170, filed 5/27/05, effective 7/1/05.]

WAC 357-58-175 Can an employer authorize lump sum vacation leave or accelerate vacation leave accrual rates to support the recruitment and/or retention of an incumbent or candidate for a WMS position? In addition to the vacation leave accruals as provided in WAC 357-31-165, an employer may authorize additional vacation leave as follows to support the recruitment and/or retention of an incumbent or candidate for a specific WMS position:

(1) Employers may authorize an accelerated accrual rate for an incumbent or candidate; and/or

(2) Employers may authorize a lump sum accrual of up to eighty hours of vacation leave for the incumbent or candidate.

Vacation leave accrued under this section must be used in accordance with the leave provisions of chapter 357-31 WAC and cannot be used until the employee has completed six continuous months of service.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-175, filed 5/27/05, effective 7/1/05.]

WAC 357-58-180 Must an agency have a policy regarding authorization of additional leave to support the recruitment of a candidate or the retention of an incumbent for a WMS position? In order to authorize additional leave for the recruitment and/or retention of a candidate or incumbent for a WMS position, an agency must have a written policy that:

(1) Identifies the reasons for which the employer may authorize additional leave; and

(2) Requires that lump sum accruals only be granted after services have been rendered in accordance with express conditions established by the employer.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-180, filed 5/27/05, effective 7/1/05.]

WAC 357-58-185 Must an agency develop a recruitment and selection policy and/or procedure for WMS positions? Each agency must develop a recruitment and selection policy and/or procedure that will best meet client, employee, management, and organizational needs. The policy and/or procedure must address filling positions and employee movement.

The policy and procedures for recruitment and selection must be inherently flexible and permit methods and strategies to be varied and customized for each recruitment and selection need.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-185, filed 5/27/05, effective 7/1/05.]

WAC 357-58-190 What must be addressed in agency's WMS recruitment and selection policy and/or procedure? An agency's WMS recruitment and selection policy must:

(1) Provide for the ability to consider any or all qualified candidates for hire, promotion, or internal movement;

(2) Ensure that hiring decisions are fair, objective, and based on the evaluation of leadership and other job related competencies and characteristics required for successful job performance and performance management;

(3) Support workforce diversity and affirmative action goals;

(4) Consider the career development of the agency's employees and other state employees;

(5) Ensure that hiring decisions are not based on patronage or political affiliation;

(6) Ensure compliance with state and federal laws relating to employee selection and nondiscrimination;

(7) Encourage decentralized and regional administration of the recruitment and selection processes when it is appropriate for the agency.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-190, filed 5/27/05, effective 7/1/05.]

WAC 357-58-195 Are employers required to grant promotional preference when filling WMS positions? Agencies are not required to grant promotional preference when recruiting and selecting for WMS positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to promotional candidates. The agency defines who qualifies as a promotional candidate.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-195, filed 5/27/05, effective 7/1/05.]

WAC 357-58-200 How may transfers occur? At any time, an employee and the affected agency or agencies may agree to the transfer of a WMS employee within an agency or between agencies.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-200, filed 5/27/05, effective 7/1/05.]

WAC 357-58-205 Under what conditions may an employer reassign a WMS employee? At any time, an agency may reassign an employee or a position and it's [its] incumbent to meet client or organizational needs. If the new location is within a reasonable commute, as defined by the agency, the employee must accept the reassignment.

If the reassignment is beyond a reasonable commute and the employee does not agree to the reassignment, the employee has layoff rights in accordance with this chapter.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-205, filed 5/27/05, effective 7/1/05.]

WAC 357-58-210 When may a WMS employee transfer to a WGS position and vice versa? A permanent employee may transfer from a WMS position to a WGS position if his/her salary is within the salary range of the WGS position.

A permanent employee may transfer from a WGS position to a WMS position if his/her salary is within the management band assigned to the WMS position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-210, filed 5/27/05, effective 7/1/05.]

WAC 357-58-215 May a permanent employee voluntarily demote to a WGS position? A permanent employee may voluntarily demote from a WMS position to a WGS position at a lower pay level than his/her current position.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-215, filed 10/13/05, effective 11/15/05; 05-12-069, § 357-58-215, filed 5/27/05, effective 7/1/05.]

WAC 357-58-220 May a permanent WMS employee accept a nonpermanent appointment in the WGS? A permanent WMS employee may accept a nonpermanent appointment to a WGS position as provided in chapter 357-19 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-220, filed 5/27/05, effective 7/1/05.]

WAC 357-58-225 What return rights must an employer provide to a permanent WMS employee who accepts a nonpermanent appointment to a WGS position?

(1) When a permanent WMS employee has accepted a nonpermanent appointment to a WGS position within the same agency and the nonpermanent appointment ends, the agency must at a minimum provide the employee the layoff rights of his/her permanent WMS position. If returning to a permanent WMS position the employee's salary must not be less than the salary of the previously held permanent WMS position.

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(2) When a permanent WMS employee has accepted a nonpermanent appointment to a WGS position within the different agency, the original agency must provide layoff rights as specified in subsection (1) of this section for six months from the time the employee is appointed. Any return right after six months is negotiable between the employee and agency and must be agreed to prior to the employee accepting the nonpermanent appointment. If the employee does not return on the agreed upon date, the employee can request placement in the general government transition pool per WAC 357-46-095.

(3) In lieu of the rights provided in subsection (1) or (2) of this section, the agency and the employee may agree to other terms.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-225, filed 5/27/05, effective 7/1/05.]

WAC 357-58-230 May a permanent WMS employee accept an appointment to a project position in the general service and does the employee have any return right to his/her permanent WMS position? A permanent WMS employee may accept an appointment to a project WGS position as provided in chapter 357-19 WAC. Any right to return to the employee's permanent WMS position is negotiable between the employer and employee and must be agreed to prior to the employee accepting the WGS position. If no return right is agreed to, the employee has the rights provided by chapter 357-46 WAC upon layoff from the project.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-230, filed 10/13/05, effective 11/15/05; 05-12-069, § 357-58-230, filed 5/27/05, effective 7/1/05.]

WAC 357-58-235 May employers create WMS positions in projects? Employers may designate project positions that meet the definition of manager as WMS project positions.

[Statutory Authority: Chapter 41.06 RCW. 05-12-069, § 357-58-235, filed 5/27/05, effective 7/1/05.]

WAC 357-58-240 What are the notification requirements for appointing an employee to a project WMS position? An employee appointed to a project WMS position must be notified, in writing, of the status of the appointment and the expected ending date of the position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-240, filed 5/27/05, effective 7/1/05.]

WAC 357-58-245 Must an employee appointed to a project position serve a review period? An employee who does not have permanent status in classified service must serve a review period when appointed to a project WMS position. The employee gains permanent status upon completion of the review period.

Permanent employees who promote to a project WMS position must serve a review period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-245, filed 5/27/05, effective 7/1/05.]

WAC 357-58-250 Must an employee who transfers or voluntarily demotes to a project WMS position serve a review period? An appointing authority may require an

employee who transfers or voluntarily demotes to a project WMS position to serve a review period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-250, filed 5/27/05, effective 7/1/05.]

WAC 357-58-255 May a permanent WMS employee accept a project appointment within WMS and does the employee have any return rights to his/her permanent WMS position? A permanent WMS employee may accept an appointment to a project WMS position. Any right to return to the employee's permanent WMS position is negotiable between the employer and employee and must be agreed to prior to the employee accepting the project position. If no return right is agreed to, the permanent employee has the rights provided by WAC 357-58-465 upon layoff from the project.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-255, filed 5/27/05, effective 7/1/05.]

WAC 357-58-260 What happens to employees in project WMS positions at the conclusion of the project?

(1) At the conclusion of an appointment to a project WMS position, the layoff provisions of this chapter apply.

(2) In addition to the layoff rights provided by this chapter:

(a) A permanent status employee who left a permanent WGS position to accept appointment to a project WMS position without a break in service has the additional rights provided by WAC 357-19-340; and

(b) A permanent WMS employee who left a permanent WMS position may have additional rights negotiated under WAC 357-58-255.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-260, filed 10/13/05, effective 11/15/05; 05-12-070, § 357-58-260, filed 5/27/05, effective 7/1/05.]

WAC 357-58-265 When may an agency make an acting WMS appointment and what actions are required? When necessary to meet organizational needs, an agency may make nonpermanent appointments in WMS. These appointments are called acting appointments. Prior to the acting appointment, the appointing authority must communicate in writing to the employee the anticipated length, intent, salary, and other conditions of the appointment.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-265, filed 5/27/05, effective 7/1/05.]

WAC 357-58-270 Does time in an acting appointment count as time in the review period? When an individual who is in an acting WMS appointment is subsequently appointed to a permanent WMS position, time spent in the acting appointment may count towards the review period for the permanent WMS position at the discretion of the appointing authority.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-270, filed 5/27/05, effective 7/1/05.]

WAC 357-58-275 May a permanent WMS employee accept an acting WMS appointment and what are the employee's return rights at the conclusion of the acting

appointment? Permanent WMS employees may accept acting appointments to WMS positions.

(1) When a permanent WMS employee has accepted an acting appointment within the **same** agency and the acting appointment ends, the agency must at a minimum provide the employee the layoff rights of his/her permanent WMS position. If returning to a permanent WMS position the employee's salary must not be less than the salary of the previously held permanent WMS position.

(2) When a permanent WMS employee has accepted an acting appointment within a **different** agency, the original agency must provide layoff rights as specified in subsection (1) of this section for six months from the time the employee is appointed. Any return right after six months is negotiable between the employee and agency and must be agreed to prior to the employee accepting the nonpermanent appointment. If the employee does not return on the agreed upon date, the employee can request placement in the general government transition pool per WAC 357-46-095.

(3) In lieu of the rights provided in subsection (1) and (2) of this section, the agency and the employee may agree to other terms.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-275, filed 5/27/05, effective 7/1/05.]

WAC 357-58-280 How much notice must an employer give for ending an acting appointment?

The end date of an acting appointment may be set in the appointment letter. If the end date is not set in the appointment letter, the employer must give written notice of the termination date of the acting appointment. If the employee is a permanent state employee, the employer must provide at least fifteen calendar days' notice. If the employee is not a permanent state employee, the employer must give one work day's notice.

An acting appointment may be terminated immediately with pay in lieu of the one work day of notice required for nonpermanent employees or the fifteen calendar days' notice required for permanent employees.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. 05-12-094, § 357-58-280, filed 5/27/05, effective 7/1/05.]

WAC 357-58-285 When must a WMS employee serve a review period? A review period **must** be served when:

(1) A permanent employee promotes to a permanent WMS position or

(2) An employee who does not have permanent status in the classified service is appointed to a permanent WMS position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-285, filed 5/27/05, effective 7/1/05.]

WAC 357-58-290 How long does the review period last? Based on the nature of the job and the skills of the appointee, the review period will be between twelve and eighteen months as determined by the appointing authority.

At the time of the appointment, the appointing authority will inform the appointee in writing of the length of the review period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-290, filed 5/27/05, effective 7/1/05.]

WAC 357-58-295 May a review period be extended beyond the initial time period? Employers may extend the review period for an individual employee as long as the extension does not cause the total period to exceed eighteen months. The employer must notify the employee in writing of the extension.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-295, filed 5/27/05, effective 7/1/05.]

WAC 357-58-300 Does time spent of leave without pay or shared leave count towards completion of an employee's review period? Time spent of leave without pay or shared leave counts towards completion of the employee's review period if the total time does not exceed one hundred seventy-four hours. If the total time on leave without pay or shared leave exceeds one hundred seventy-four the employer determines whether or not the time in excess of one hundred seventy-four hours will count towards completion of the review period. The granting of leave shall be in compliance with chapter 357-31 WAC and the Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-300, filed 5/27/05, effective 7/1/05.]

WAC 357-58-305 When does a WMS employee attain permanent status? Upon successful completion of the review period, the employee will attain permanent status in the position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-305, filed 5/27/05, effective 7/1/05.]

WAC 357-58-310 When may a WMS employee who transfers or voluntarily demotes be required to serve a WMS review period? An appointing authority may require an employee who transfers or voluntarily demotes to serve a review period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-310, filed 5/27/05, effective 7/1/05.]

WAC 357-58-315 When may an employee, who is promoted to another WMS position, in a different agency, while serving a review period, be required to serve a WMS review period? An employee who is promoted to a different WMS position in a different agency during the review period will begin a new review period for the new position. The new employer may allow for some or all of the time served in the review period for the prior position to count towards the review period. The employee will not attain permanent status in the original position in the former agency unless agreed to in writing by the employers in both agencies.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-315, filed 5/27/05, effective 7/1/05.]

WAC 357-58-320 What happens when a WMS employee promotes to a new WMS position within the same agency while serving in a review period? If a WMS employee is promoted to a different WMS position in the same agency during the review period, the following applies:

(1) Time served in the initial review period counts towards the review period of the new position if the employer determines the positions are closely related.

(2) The review period starts over if the employer determines the positions are not closely related.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-320, filed 5/27/05, effective 7/1/05.]

WAC 357-58-325 When may a probationary or trial service period be served concurrently with the WMS review period? An employee who is appointed to a WMS position from a WGS position in the same agency while serving a probationary or trial service period in the same or similar occupational field may serve the trial service or probationary period concurrently with the review period. At the discretion of the employer, the employee may attain permanent status in the previous job classification once the original probationary or trial service period concludes.

The new employer may allow for some or all of the time served in the review period for the prior position to count towards the review period. The employee will not attain permanent status in the original position in the former agency unless agreed to in writing by the employers in both agencies.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-325, filed 5/27/05, effective 7/1/05.]

WAC 357-58-330 What happens when a general service employee serving a probationary or trial service period is appointed to a WMS position in a different agency? If agreed to in writing by the employers in both agencies, a WGS employee who is appointed to a WMS position while serving in a probationary or trial service period may serve the probationary or trial service period concurrently with the WMS review period. The employee will attain permanent status in the original WGS position upon completion of the probationary or trial service period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-330, filed 5/27/05, effective 7/1/05.]

WAC 357-58-335 When a WMS employee is promoted in the same position as a result of additional new duties, is a review period required? The agency may require a review period when the employee remains in the same position and receives a promotion as a result of additional new duties.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-335, filed 5/27/05, effective 7/1/05.]

WAC 357-58-340 When does reversion take place during a review period? During the review period, the appointing authority may separate or revert the employee from the position with written notification of the effective date.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-340, filed 5/27/05, effective 7/1/05.]

WAC 357-58-345 When a permanent WMS employee does not complete the review period, what reversion rights does the employee have? When a permanent WMS employee is appointed to a WMS position and reverted during the review period, the current employing agency at the time of reversion must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last WMS appointment. If no vacant funded positions are available, the agency must place the employee in a WMS position for which the employee is qualified and which is similar to the employee's previous position and salary. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-345, filed 10/13/05, effective 11/15/05; 05-12-070, § 357-58-345, filed 5/27/05, effective 7/1/05.]

WAC 357-58-350 When a permanent WGS employee does not complete the review period for a WMS position, what reversion rights does the employee have? When a permanent WGS employee is appointed to a WMS position and is reverted during the review period, the employee has reversion rights with the current employer at the time of reversion in accordance with WAC 357-19-115, 357-19-117, and 357-19-120.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-350, filed 5/27/05, effective 7/1/05.]

WAC 357-58-355 Can a permanent employee voluntarily revert during a review period? Within the first thirty calendar days of any review period, a permanent employee may request to voluntarily revert to his/her former employer. If the former employer authorizes the reversion, the following applies:

(1) If the employee holds permanent status in WMS, the employer must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last WMS appointment.

(2) If the employee holds permanent status in WGS and has not yet gained permanent status in WMS, the employee has reversion rights in accordance with WAC 357-19-115, 357-19-117, and 357-19-120.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-355, filed 10/13/05, effective 11/15/05; 05-12-070, § 357-58-355, filed 5/27/05, effective 7/1/05.]

WAC 357-58-360 May a reverted employee and an agency come to mutual agreement on reversion placement? Nothing in this section precludes agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the WMS or within the WGS if permitted by the respective rules.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-360, filed 5/27/05, effective 7/1/05.]

WAC 357-58-365 Does a WMS employee who does not have permanent status in the classified service have reversion rights? A WMS employee who is separated prior

to completing the review period and has not gained permanent status in the classified service has no reversion rights.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-365, filed 5/27/05, effective 7/1/05.]

WAC 357-58-370 Are there any appeal rights for reversion or separation during the review period? Employees may not appeal reversion or separation during the review period.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-370, filed 5/27/05, effective 7/1/05.]

WAC 357-58-375 When permanent WMS employees promote or demote to positions in the general service and fail to complete the trial service period what reversion rights do permanent WMS employees have? (1) When a permanent WMS employee promotes to a WGS position within the **same** agency and is reverted during the trial service, the agency must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the WGS appointment. If no vacant funded positions are available, the agency must place the employee in a WMS position for which the employee is qualified and which is similar to the employee's previous position and salary. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

(2) When a permanent WMS employee demotes to a WGS position in the **same** agency and is reverted during the trial service period the agency must place the employee in a vacant funded WMS position for which the employee is qualified and with a salary that is equal to or less than the salary range maximum of the class from which the employee is reverting. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

(3) When a permanent WMS employee promotes or demotes to a WGS position in a **different** agency and is reverted during the trial service period, the employer may separate the employee by providing fifteen calendar days' written notice. The employee may apply for the general government transition pool.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-375, filed 10/13/05, effective 11/15/05; 05-12-070, § 357-58-375, filed 5/27/05, effective 7/1/05.]

WAC 357-58-385 What is the responsibility of general government employers to provide training and development to WMS employees? In addition to those responsibilities identified in chapter 357-34 WAC, general government employers must provide WMS development and training opportunities specifically designed to refine and broaden managerial knowledge and leadership competencies. Diversity, performance management, and education for managing employees in a civil service system must be part of this training. WMS employees must complete the core curriculum on leadership competencies as determined by the department of personnel within eighteen months of being appointed to a WMS position.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-385, filed 5/27/05, effective 7/1/05.]

WAC 357-58-390 What is the responsibility of WMS managers? In addition to those responsibilities identified in chapter 357-34 WAC, WMS employees are responsible for seeking out and fully participating in opportunities to enhance their managerial knowledge and leadership competencies to implement and emphasize performance management, model efficient leadership in changing work situations, reduce potential liability claims and manage in a civil service environment.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-390, filed 5/27/05, effective 7/1/05.]

WAC 357-58-395 What will be the role of the department of personnel? The department of personnel shall assist state agencies by providing a quality developmental and leadership training program and consultative and technical assistance to help agencies address the development needs of their managers.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-395, filed 5/27/05, effective 7/1/05.]

WAC 357-58-400 How does each agency deal with developmental needs of managers? Each agency must ensure that the development needs of managers are incorporated into the agency's development and training plan. Each agency is responsible for periodic evaluations of its plan.

[Statutory Authority: Chapter 41.06 RCW. 05-12-070, § 357-58-400, filed 5/27/05, effective 7/1/05.]

WAC 357-58-405 In addition to the requirements of chapter 357-37 WAC, what must the performance management process focus on for WMS employees? For WMS employees, the performance management process must satisfy the requirements of chapter 357-37 WAC and focus on:

- (1) Fostering employee competence, leadership and productivity,
- (2) Supporting achievement of organizational goals and objectives, and
- (3) Holding managers accountable for achieving programmatic results and helping to build a performance based culture that will enable workforce success.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-405, filed 5/27/05, effective 7/1/05.]

WAC 357-58-410 When and how often must performance feedback be provided to a WMS employee through the formal evaluation process? Employers must provide feedback and formally evaluate the performance of WMS employees during the review period and annually thereafter.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-410, filed 5/27/05, effective 7/1/05.]

WAC 357-58-415 What forms and procedures must employers use to plan for and evaluate the performance of managers? Agencies must use standardized employee performance planning and evaluation procedures and forms developed by the director or alternate procedures and forms approved by the director.

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[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-415, filed 5/27/05, effective 7/1/05.]

WAC 357-58-420 May employers supplement the standardized performance evaluation procedures and forms? Agencies may tailor or supplement the managerial evaluation system to fulfill agency-unique needs, provided the emphasis is placed on:

- (1) Assessment of those leadership competencies that are critical to an effective managerial in a performance-based environment;
- (2) Planning for development and training in leadership competencies;
- (3) Collaboration and communication between the supervisor and managerial employee during the performance planning and evaluation process;
- (4) Planning for and assessment of results; and
- (5) Preparation of a performance management and development plan.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-420, filed 5/27/05, effective 7/1/05.]

WAC 357-58-425 Can an employer factor performance into compensation and layoff decisions for WMS employees? A general government employer may factor an employee's performance into compensation and layoff decisions if the employer has received performance management confirmation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-425, filed 5/27/05, effective 7/1/05.]

WAC 357-58-430 How does an employer receive performance management confirmation which enables them to factor performance into compensation and layoff decisions for WMS employees? Employers may request performance management confirmation from the director of the department of personnel for WMS employees. The director of the department of personnel will use the elements listed in WAC 357-58-435 to assess and evaluate an employer's readiness to fairly and objectively factor performance into compensation, recognition leave and layoff decisions. If the director of the department of personnel determines that the employer has developed a performance management program that encompasses the necessary elements, the employer will be granted performance management confirmation.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-430, filed 5/27/05, effective 7/1/05.]

WAC 357-58-435 What elements will the director of the department of personnel evaluate to determine if an employer should be granted performance management confirmation? The director of the department of personnel will evaluate the following elements to determine if an employer should receive performance management confirmation:

- (1) Executive commitment to a performance-based culture;
- (2) Present status of performance management in the organization;
- (3) Defined roles and responsibilities for implementing and sustaining a performance management system;

(4) Policy and process for holding managers accountable for properly carrying out their roles and responsibilities in performance management;

(5) Internal policies and procedures for a performance management system;

(6) Strategy for communicating to employees regarding policies, procedures, and timelines for performance management;

(7) Performance management orientation and training for managers and supervisors;

(8) Internal mechanisms for managing funding for performance-based compensation;

(9) Implementation of a performance and development plan for all employees subject to performance factor decisions; and

(10) Process for monitoring and measuring success.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-435, filed 5/27/05, effective 7/1/05.]

WAC 357-58-440 How may an employer lay off WMS employees and what notice is required? WMS employees may be separated without prejudice due to layoff in accordance with the statutes and the agency's layoff procedure.

Permanent employees must receive at least fifteen calendar days' written notice of layoff, except when the employer and employee agree to waive the fifteen-day notice. Notice of layoff must include the reason or basis for layoff and the employee's right to appeal the layoff.

WMS employees without permanent status must receive at least one calendar day's written notice of layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-440, filed 10/13/05, effective 11/15/05; 05-12-071, § 357-58-440, filed 5/27/05, effective 7/1/05.]

WAC 357-58-445 What are the reasons for layoff? Employees may be laid off without prejudice according to layoff procedures that are consistent with these rules.

(1) The reasons for layoff include, but are not limited to, the following:

- (a) Lack of funds
- (b) Lack of work; or
- (c) Organizational change.

(2) Examples of layoff actions due to lack of work may include, but are not limited to:

- (a) Termination of a project or special employment;
- (b) Availability of fewer positions than there are employees entitled to such positions;
- (c) Elimination of a position when the work of the position has been competitively contracted; or
- (d) Employee's ineligibility to continue in a position which has been reallocated to the WGS.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-445, filed 5/27/05, effective 7/1/05.]

WAC 357-58-450 How does a WMS employee return from an exempt appointments? When an exempt employee has the right to return under WAC 357-04-030 to a WMS position the return will be accomplished as provided in WAC 357-19-195 and 357-19-200.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-450, filed 5/27/05, effective 7/1/05.]

WAC 357-58-455 How does an employer implement a layoff action? The employer is required to have a layoff procedure. When an employer determines a layoff is necessary, the layoff procedure must be followed. The layoff procedure must be available either electronically or in writing to employees subject to layoff.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-455, filed 5/27/05, effective 7/1/05.]

WAC 357-58-460 What must be included in the employer's layoff procedure? The employer's layoff procedure must:

(1) Identify clearly defined layoff unit(s) that minimize disruption of the employer's total operation and provide options to employees scheduled for layoff;

- Employers may establish separate and exclusive layoff units for project employment or special employment programs.

(2) Provide opportunities to avoid or minimize layoff, such as transfers, voluntary demotion, voluntary reduced work schedule, or voluntary leave without pay;

(3) Require the appointing authority to provide written notice of layoff to employees in accordance with WAC 357-58-440.

(4) Provide layoff options for permanent employees being laid off in accordance with WAC 357-58-465. Only employers who have performance confirmation can consider performance in determining layoff options;

(5) Address the timeframe in which employees must select a layoff option;

(6) Identify the employer's legitimate business requirements if the employer is going to consider those requirements in determining layoff options under WAC 357-58-465;

- Legitimate business requirements may include requirements such as circumstances or characteristics that render a position uniquely sensitive to disruption in continuity such as meeting critical deadlines, continuity in patient care, or research progress.

(7) Describe how employment retention ratings will be calculated, including options for factoring performance into ratings; and

(8) Specify how the employer will break ties when more than one employee has the same employment retention rating.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-460, filed 5/27/05, effective 7/1/05.]

WAC 357-58-465 What option does a permanent employee in a WMS position have to take a position when the employee is scheduled for layoff? (1) Within the layoff unit, a permanent employee scheduled for layoff from a WMS position must be offered the option to take a position, if available, that meets the following criteria:

(a) The employee has the required competencies for the position.

(b) The WMS position is at the same salary standard and/or evaluation points. If no option to a position with the same salary standard and/or evaluation points is available, the

employer must consider other WMS positions with a lower salary standard and/or evaluation points, or general service positions in accordance with WAC 357-46-035(1) in descending salary order if the employee has held permanent status in a WGS classification. At the agency's discretion, the employee may be offered a vacant position at higher evaluation points.

(c) The position being offered as the option is funded and vacant. If no vacant position is available, the position being offered as the option must be occupied by the employee with the lowest retention rating.

(2) If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an acting position in the layoff unit for which the employee is qualified.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-465, filed 10/13/05, effective 11/15/05; 05-12-071, § 357-58-465, filed 5/27/05, effective 7/1/05.]

WAC 357-58-470 How does an employer determine an employee's employment retention rating? The employer determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055. Employers with performance management confirmation may consider properly documented performance in addition to seniority. If performance is not considered, an employee's employment retention rating is equal to the employee's seniority.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-470, filed 5/27/05, effective 7/1/05.]

WAC 357-58-475 Does a veteran receive any preference in layoff? (1) An eligible veteran receives a preference by having his/her seniority increased. This is done by adding the eligible veteran's total active military service, not to exceed five years, to his/her unbroken service date.

(2) An eligible veteran is defined as any permanent employee who:

(a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and

(b) Has received, upon termination of such service:

(i) An honorable discharge;

(ii) A discharge for physical reasons with an honorable record; or

(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

(4) The unmarried widow/widower of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsection (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-475, filed 5/27/05, effective 7/1/05.]

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WAC 357-58-480 What provisions governs separation due to disability for WMS employees? WMS employees may be separated due to disability in accordance with WAC 357-46-160, 357-46-165, 357-46-170, and 357-46-175.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-480, filed 5/27/05, effective 7/1/05.]

WAC 357-58-485 What provisions governs nondisciplinary separation for WMS employees? Employers may separate WMS employees for nondisciplinary reasons in accordance with WAC 357-46-195, 357-46-200, and 357-46-205.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-485, filed 5/27/05, effective 7/1/05.]

WAC 357-58-490 What provisions governs separation for unauthorized absence for WMS employees? Employers may separate WMS employees for unauthorized absence in accordance with WAC 357-46-210, 357-46-215, 357-46-220 and 357-46-225.

[Statutory Authority: Chapter 41.06 RCW. 05-12-071, § 357-58-490, filed 5/27/05, effective 7/1/05.]

WAC 357-58-500 May an employee request withdrawal of his/her resignation? An appointing authority or employing official may permit withdrawal of a resignation at any time prior to the effective date.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-500, filed 5/27/05, effective 7/1/05.]

WAC 357-58-505 Does a WMS employee have appeal rights? Any permanent employee in a WMS position who is laid off, dismissed, suspended, demoted, separated, whose position has been reassigned beyond a reasonable commute without agreeing to the reassignment, or whose base salary is reduced may appeal in accordance with chapter 357-52 WAC. The conclusion of an acting appointment is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. 05-21-053, § 357-58-505, filed 10/13/05, effective 11/15/05; 05-12-072, § 357-58-505, filed 5/27/05, effective 7/1/05.]

WAC 357-58-510 Can the agency's decision regarding which WMS position to eliminate in a layoff action be appealed? The agency's decision regarding which WMS position to eliminate in a layoff is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-510, filed 5/27/05, effective 7/1/05.]

WAC 357-58-515 When a WMS employee disagrees with an employer's action, can the employee request the employer reconsider the action that was taken? Each agency will develop procedures to reconsider agency actions at the request of the employee. The agency's procedure must identify those actions for which an employee may request reconsideration. At a minimum, the agency's procedure must allow an employee to request reconsideration of the following:

(1) Salary adjustment (or lack thereof) when the responsibilities of the permanent employee's position have been changed.

(2) Placement following reversion of a permanent employee.

(3) Decisions about whether or not a position is included in the WMS. When reconsidering decisions concerning inclusion in WMS the following apply:

(a) The final agency internal decision must be made by the agency director or designee.

(b) If the incumbent disagrees with the agency director/designee's decision, he/she may request a director's review by the director of the department of personnel, as long as such request is made within fifteen calendar days of notification of the decision. Such review will be limited to relevant documents and information and will be final.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-515, filed 5/27/05, effective 7/1/05.]

WAC 357-58-520 What requirements must be included in the agency's WMS reconsideration procedures? In developing and administering the agency's WMS reconsideration procedures, the agency will adhere to the following:

(1) Reconsideration must be limited to a maximum of three levels of consideration within the agency.

(2) Reconsideration may be limited to an examination of documentation and other relevant information. Agency decisions should be prompt.

(3) Reconsideration of an agency action will be done by the agency director or designee.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-520, filed 5/27/05, effective 7/1/05.]

WAC 357-58-525 How does the employee request reconsideration of an agency action? Employee requests for reconsideration of an agency action must be in writing and requested within fifteen calendar days of the action or notification or awareness (whichever was first) of the action.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-525, filed 5/27/05, effective 7/1/05.]

WAC 357-58-530 What is the responsibility of agencies to track and analyze requests for reconsideration of agency actions? Each agency must:

(1) Maintain a record of the number, nature, and outcome of employee requests for reconsideration of an agency action.

(2) Identify and act upon any patterns or trends that signal problems or development or training needs among its managers.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-530, filed 5/27/05, effective 7/1/05.]

WAC 357-58-540 What type of records are agencies required to keep and report for WMS employees? Each agency will maintain records of employees in the WMS. The records will identify employees as members of the WMS, including position numbers and position titles and will track all personnel actions related to them. Agencies will be

responsible for collecting statistical information on WMS personnel regarding diversity, applicant flow, and appointments following each selection.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-540, filed 5/27/05, effective 7/1/05.]

WAC 357-58-545 Does the director of the department of personnel have the rights to review an agency's administration of WMS? Under the authority of RCW 41.06.130 and 41.06.500, the director of the department of personnel retains the right to review:

- An agency's administration of the WMS program; and
- Any action taken by an agency under chapter 357-58 WAC.

[Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-545, filed 5/27/05, effective 7/1/05.]

Title 363 WAC PILOTAGE COMMISSIONERS, BOARD OF

Chapters 363-116

Pilotage rules.

Chapter 363-116 WAC PILOTAGE RULES

WAC

363-116-065	Number of pilots.
363-116-075	Qualifications for pilot applicants taking examinations before July 1, 2008.
363-116-075.1	Qualifications for pilot applicants taking examinations on or after July 1, 2008.
363-116-076	Examination for pilot applicants.
363-116-077	Simulator evaluation for pilot applicants.
363-116-078	Training program.
363-116-080	Licensing of pilots.
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363-116-083	Examination review and appeal procedures.
363-116-175	Tariff proposals.
363-116-185	Tariffs, and pilotage rates for the Grays Harbor pilotage district.
363-116-300	Pilotage rates for the Puget Sound pilotage district.

WAC 363-116-065 Number of pilots. (1) The board will, from time to time, set the number of pilots to be licensed in each pilotage district of the state that is best calculated to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service. This determination will be made by the board at meetings for which the agenda lists this issue as a topic for resolution. In addition, the board shall plan ahead to ensure, to the extent possible, that pilot trainees enter the training program set forth in WAC 363-116-078 so that they complete the training program in a timely manner.

(2) In setting the number of pilots and making decisions as to when to hold an examination and admit applicants to the

training program, the board may consider factors which include, but are not limited to, the following:

- (a) Policy of the state to ensure safety of persons, vessels, property and the environment by providing competent, efficient and regulated pilotage for vessels;
- (b) The importance of the maritime industry to the state balanced by the potential hazards presented by the navigation of vessels requiring pilots;
- (c) The lead time necessary to select and train new pilots;
- (d) Regional maritime economic outlook, including without limitation: Current economic trends in the industry, fluctuations in the number of calls, the types of assignments, the size of vessels, the cyclical nature of the traffic and whether traffic is increasing or decreasing and the need to minimize shipping delays;
- (e) Workload, assignment preparation and rest needs of pilots;
- (f) Trends in size of piloted vessels;
- (g) Time lost to injury and illness;
- (h) Anticipated retirements;
- (i) Administrative responsibilities, continuing education and training requirements consistent with the policy of chapter 88.16 RCW; and
- (j) Surface transportation and travel time consumed in pilots getting to and from assignments.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-065, filed 8/29/05, effective 10/1/05.]

WAC 363-116-075 Qualifications for pilot applicants taking examinations before July 1, 2008. (1) In addition to meeting the requirements of RCW 88.16.090, pilot applicants must hold at the time of examination a first class United States endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot applicant desires to be licensed and meet one of the following additional requirements:

- (a) One year of service in ocean or near coastal waters as a master of cargo, tank, or passenger vessels of 5000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons or as a master of near coastal steam or motor vessels of any gross tons;
- (b) Two years of service in ocean or near coastal waters as a master of cargo, tank, or passenger vessels of 450 gross tons or more while holding a license as a master of ocean or near coastal steam or motor vessels of not more than 1600 gross tons;
- (c) Two years of service in inland waters as a master of cargo, tank, or passenger vessels of 500 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons;
- (d) Two years of service as a master of towing vessels of 100 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons;
- (e) Three years of service as a member of an organized professional pilots association or as a U.S. government employed pilot during which period the applicant was actively engaged in piloting and hold as a minimum a license

as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

(f) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 1000 gross tons and hold a license as either a master of ocean or near coastal steam or motor vessels of any gross tons.

(2) As used in this section "cargo, tank, or passenger vessels" shall refer to vessels primarily engaged in the transportation of cargo or passengers between points.

(3) Tonnages used in this section shall refer to gross registered tonnage (domestic). If an applicant's sea service is on a ship without a domestic gross tonnage rating, the board shall make a determination as to equivalency in determining whether an applicant is eligible.

(4) The provisions of this section shall apply to examinations provided in WAC 363-116-076 given before July 1, 2008.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-075, filed 8/29/05, effective 10/1/05. Recodified as § 363-116-075. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.090(2). 92-15-064, § 296-116-075, filed 7/14/92, effective 8/14/92. Statutory Authority: RCW 88.16.035(2). 90-17-094, § 296-116-075, filed 8/20/90, effective 9/20/90. Statutory Authority: RCW 88.16.090. 82-15-026 (Order 82-6, Resolution No. 82-6), § 296-116-075, filed 7/14/82.]

WAC 363-116-0751 Qualifications for pilot applicants taking examinations on or after July 1, 2008. (1) Sea service.

(a) In addition to meeting the preexamination requirements of RCW 88.16.090, pilot applicants must, before taking the examination provided in WAC 363-116-076, meet one of the following indicated service requirements as master, while holding a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC):

Vessel Type	Minimum Size	Waters	Minimum Time
Cargo or tank	5000 GRT or 10,000 GT (ITC)	Ocean or near coastal	1 year
Cargo or tank	700 GRT or 1400 GT (ITC)	Ocean or near coastal	2 years
Cargo or tank	1600 GRT or 3000 GT (ITC)	Inland	2 years
Passenger or ferry	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years
Towing	150 GRT or 300 GT (ITC)	Ocean, near coastal or inland	2 years

(b) In calculating sea service under subsection (1) of this section, a year of service shall equal three hundred sixty days of service on the vessel in the required capacity. Applicants combining the above types of sea service shall have a total of at least two years of the various service times, except that one day of service as master on cargo, tank, or passenger vessels of at least 5000 GRT or 10,000 GT (ITC) shall be credited as two days of service time for the purpose of calculating such combined service times.

(2) In lieu of the requirements of subsection (1) of this section, an applicant may substitute either:

(a) Three years of service as an active member of an organized professional pilot association or as a government employed pilot during which periods the applicant was actively engaged in piloting while holding a minimum license as a master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters. For purposes of this section, piloting shall refer to piloting vessels in the capacity of the pilot in charge of navigation; or

(b) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 3000 displacement tons. The applicant must hold at the time of application a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters.

(3) An applicant who does not meet the sea service requirements set forth in subsection (1) or (2) of this section but is otherwise qualified to take the examination, shall be eligible to take examinations given on or after July 1, 2008, if the applicant qualified for, took and passed the most recent examination given prior to July 1, 2008, pursuant to WAC 363-116-075 and any subsequent examinations given after July 1, 2008, pursuant to WAC 363-116-0751.

(4) As used in this section these terms shall have the following meanings:

(a) Cargo or tank vessels shall refer to vessels primarily engaged in the transportation of cargo between points.

(b) Passenger vessels shall refer to vessels primarily engaged in the transportation of passengers between points. This shall include yachts only to the extent and for such times that such vessels are actively engaged in moving passengers between points.

(c) Ferry vessels shall refer to vessels primarily engaged in the transportation of vehicles and passengers between points.

(d) Towing vessels shall refer to vessels primarily engaged in commercial towing of vessels or in ship assist work.

(e) GRT shall refer to gross register tonnage (domestic).

(f) GT (ITC) shall refer to gross tonnage measured in accordance with the requirements of the *1969 International Convention on Tonnage Measurement of Ships*.

(5) The provisions of this section shall apply to examinations provided in WAC 363-116-076 given on or after July 1, 2008.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-0751, filed 8/29/05, effective 10/1/05.]

WAC 363-116-076 Examination for pilot applicants.

(1) Applicants must pass a written examination given and graded by the board or the board's designated contracting entity. A perfect score on the written examination shall be 100 points. The board will set the minimum passing score for the written examination. Notice of the examination shall be published at least four months in advance by one paid advertisement in a major marine industry publication and written notice to any party who has requested notice of such examinations. The board may publish additional notices in such publications or in other media at such times as it deems

appropriate. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an examination on less than four months notice.

(2) The examination may be taken by all applicants who the board has determined have met the qualifications of WAC 363-116-075 or 363-116-0751 and who:

(a) Have had an application on file with the board for at least one month prior to the examination. This requirement may be waived by the chairperson of the board upon the showing of good cause.

(b) Have tendered with the application a nonrefundable examination administration fee in such amount as may be set by the board from time to time. The board may, at its discretion, refund all or part of the examination administration fee for an applicant who is unable to sit for the examination or refund all or part of the portion of the examination administration fee that encompasses the simulator fee for an applicant who is unable to sit for the simulator evaluation.

(3) The written examination shall be in compliance with RCW 88.16.090 and may consist of questions covering, but not limited to, the following subjects:

(a) Rules of the Road then applicable to the pilotage district for which the applicant is applying and accompanying information set forth in United States government publications on the subject;

(b) Meaning and understanding of the aids to navigation;

(c) Seamanship, including piloting and ship handling, docking and undocking problems, use of ship assist tugs and anchors;

(d) Vessel traffic system regulations;

(e) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(f) Operation and use of marine radar and automatic radar plotting aids (ARPA);

(g) Ability to calculate currents and tides;

(h) Federal laws affecting mariners and pilots including environmental laws;

(i) Use of vessel navigational equipment;

(j) Duties of a pilot;

(k) Relationship between pilot and master;

(l) Bridge resource management;

(m) United States government public health quarantine regulations;

(n) Marine VHF radio usage and phraseology, including bridge-to-bridge communications regulations;

(o) Federal navigation safety and security regulations;

(p) International distress signals;

(q) Nonlocal chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1; and

(r) Chapters 88.16 RCW and 363-116 WAC.

(4) In addition to the subjects listed in subsection (3) of this section, the following subjects as they pertain to the pilotage district for which the examination is being given may be included in examinations given before July 1, 2008:

(a) Knowledge of local tidal currents;

(b) Overhead cable areas and clearances;

(c) Submerged cable and pipeline areas;

(d) Channel, waterway and passage widths, depths and shoal areas and other information from the Army Corps of Engineers survey charts;

(e) Bridge transit knowledge - signals, channel width, regulations, and closed periods;

(f) Lock characteristics, rules and regulations;

(g) Ranges for determining compass error and measured miles;

(h) Channel ranges;

(i) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(j) Prohibited areas, restricted areas, regulated navigation areas and explosive anchorages;

(k) Commonly used anchorage locations;

(l) Use of anchors and knowledge of ground tackle;

(m) State and federal tanker escort rules;

(n) State environmental law and regulations affecting mariners;

(o) Marine and port security regulations;

(p) Harbor safety plan and harbor regulations; and

(q) Local chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-076, filed 8/29/05, effective 10/1/05.]

WAC 363-116-077 Simulator evaluation for pilot applicants. (1) Applicants who take an examination before July 1, 2008, shall be eligible to take the simulator evaluation set forth in this section. Applicants who pass an examination on or after July 1, 2008, and whose scores are among the top twenty (or such other number as may be set by the board) of those taking the examination (plus any applicants who tie a qualifying score) shall be eligible to take the simulator evaluation set forth in this section.

(2) The simulator evaluation shall take place at a marine simulator facility designated by the board and shall be recorded. In this evaluation applicants shall be observed by available board members but shall be evaluated only by those board members who hold, or have held a minimum U.S. Coast Guard license as master of steam or motor vessels of not more than 1600 gross tons, provided that no currently licensed Washington state pilots shall be evaluators or be present during the evaluation. The board shall also appoint a minimum of two additional evaluators who hold, or have held within ten years of the examination date, a state pilot license issued by another state or who have held a Washington state pilot license within the last ten years.

(3) All applicants will be evaluated in writing based on some or all of the following factors:

(a) Fundamental piloting and ship handling ability;

(b) Ability to assimilate and prioritize all data necessary to safely maneuver the ship;

(c) Ability to respond appropriately in routine situations;

(d) Ability to respond appropriately in emergency or nonroutine situations;

(e) Ability to communicate well and project the proper bridge presence;

(f) Understanding of bridge resource management; and

(g) Understanding and command of the Rules of the Road then applicable to the pilotage district for which the applicant is applying.

(4) The scoring method on the simulator evaluation and the relative weight of this score to the whole examination will be determined by a board designated examination committee and provided to the applicants prior to the examination provided in WAC 363-116-076.

(5) The board will set a minimum passing score.

(6) The board may require that the simulator evaluation fee will be at the expense of the applicant.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-077, filed 8/29/05, effective 10/1/05.]

WAC 363-116-078 Training program. After passing the written examination and simulator evaluation, applicants pursuing a pilot license must enter and successfully complete a training program specified by the board.

(1) Notification. Applicants on the list waiting to enter the training program shall provide the board with a current address to be used for notification for entry into the training program. Such address shall be a place at which mail is delivered. In addition, an applicant may provide the board with other means of contact such as a phone number, fax number, and/or an e-mail address. The mailing address will, however, be considered the primary means of notification by the board. It will be the responsibility of the applicant to ensure that the board has a current mailing address at all times. If an applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing with a notarized copy to the board as having power of attorney specifically to act in the applicant's behalf regarding such notice. If notice sent to the address provided by the applicant is returned after three attempts to deliver, that applicant will be skipped and the next applicant on the list will be contacted for entry into the training program. A person so skipped will remain next on the list. An applicant or his designated attorney in fact shall respond within fifteen calendar days of receipt of notification to accept, refuse, or request a delayed entry into the training program.

(2) Entry. At such time that the board chooses to start an applicant in the training program, notification shall be given to the first person on the list. Applicants shall be eligible in the order of their total combined scores on the written examination and simulator evaluation. Any applicant who refuses entry into the program will be removed from the waiting list with no further obligation by the board to offer a position in the training program. An applicant who is not able to start the training program within two months of the board's notice may, with written consent of the board, delay entry into the training program. The board will then give notice to the next applicant on the list to enter the training program. The applicant who delays entry, shall remain eligible for the next position in the training program, provided that the next position becomes available within the earlier of:

(a) Four years from the applicant's taking the written examination; or

(b) The date scheduled for the next pilotage examination. Applicants not able to start in the training program within two months of the board's notice of eligibility and who do not

obtain the board's written consent to delay entry into the training program shall no longer be eligible for the training program without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license applicants must pass a physical examination by a physician designated by the board and in accordance with the requirements of WAC 363-116-120 for initial applicants. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the applicant's fitness to pilot. The physical examination must be taken not more than forty-five days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within forty-five days prior to the anniversary date of that license. Training license physicals will be at the expense of the applicant. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date and fee established by the board. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after receiving notification of eligibility for entry into the training program as set forth in this section, the applicant shall meet with the trainee evaluation committee for the purpose of devising a training program for that applicant. The training program shall be tailored to the ability and experience of the individual applicant and shall consist of observation trips, training trips in which the applicant pilots the vessel under the supervision of licensed pilots, ship assist tug trips, and such other forms of learning and instruction that may be designated. The trainee evaluation committee shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the applicant. If the applicant agrees in writing to the training program, the board shall issue a training license to the applicant, which license shall authorize the applicant to take such actions as are contained in the training program. If the applicant does not agree to the terms of the training program in writing within fifteen business days of it being received by the applicant, that applicant shall no longer be eligible for entry into the training program and the board may give notice to the next available applicant that he/she is eligible for the training program.

(5) Initial evaluation.

(a) The trainee evaluation committee shall create an initial evaluation at the beginning of each applicant's training program. The goal of the initial evaluation is to, as soon as practical after adequate observation trips, have the pilot trainee involved in hands-on piloting and ship handling under the supervision of licensed pilots and subject to the evaluation of training pilots. To this end the trainee evaluation committee shall devise an initial evaluation of a specified length not to exceed six months if the pilot trainee is on stipend and nine months if not on stipend. The initial evaluation shall:

(i) Afford the pilot trainee early and concentrated exposure to a commonly navigated waterway, channel or tributary within the pilotage district and the main ship channel routes between such area and the seaward boundary of the pilotage district;

(ii) Except for pilot trainees taking an examination prior to July 1, 2008, provide the pilot trainee the opportunity to study for and pass any local knowledge examination provided by the board as to the conditions found in such waterway, channel or tributary;

(iii) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of licensed pilots; and

(iv) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of training pilots and the pilot members of the trainee evaluation committee.

(b) As a condition of completing the initial evaluation, the pilot trainee shall:

(i) Pass any required local knowledge examination given by the board covering the routes described in (a)(i) of this subsection. This examination can be repeated as necessary, provided that it may not be taken more than once in any thirty day period and further provided that it must be successfully passed before the expiration date of the initial evaluation; and

(ii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in at least one route in the pilotage district in which the pilot applicant seeks a license.

(c) After completion of the initial evaluation, the trainee evaluation committee shall make a recommendation to the board and the board shall determine, whether the pilot trainee has demonstrated the potential for superior piloting and ship handling and has demonstrated the ability to assimilate and retain the local knowledge necessary to pilot. Unless the board finds that such superior potential exists, it shall terminate the pilot trainee's participation in the training program.

(6) Specification of trips. To the extent possible, the training program shall provide a wide variety of assignments, observation and training trips. The training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the trainee evaluation committee or with pilots of specified experience. In the Puget Sound pilotage district, applicants taking an examination before July 1, 2008, shall have a minimum of one hundred thirty trips. After July 1, 2008, all Puget Sound applicants shall have a minimum of one hundred fifty trips. The board shall set from time to time the minimum number of trips for applicants in the Grays Harbor pilotage district. The board will ensure that during the training program the pilot trainee will get significant review by training pilots and the pilot members of the trainee evaluation committee.

(7) Local knowledge. The training program shall provide for the education and testing of pilot trainees on the local knowledge necessary to become a pilot. This education program shall be developed by the trainee evaluation committee and recommended to the board for adoption and shall be tailored to the needs of the individual pilot trainee. Prior to the completion of the training program, the board, or its designee, shall give a local knowledge examination(s) to the pilot trainees who shall be required to pass such examination(s) before completing the training program. Pilot trainees taking

an examination before July 1, 2008, shall not be required to take local examinations. These local examinations can be repeated as necessary, except that an examination for the same local area may not be taken more than once in any thirty day period and all required local knowledge examinations must be successfully passed before the expiration date of the training program. The local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

- (a) Area geography;
- (b) Waterway configurations including channel depths, widths and other characteristics;
- (c) Hydrology and hydraulics of large ships in shallow water and narrow channels;
- (d) Tides and currents;
- (e) Winds and weather;
- (f) Local aids to navigation;
- (g) Bottom composition;
- (h) Local docks, berths and other marine facilities including length, least depths and other characteristics;
- (i) Mooring line procedures;
- (j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;
- (k) Vessel traffic system;
- (l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;
- (m) Air draft and keel clearances;
- (n) Submerged cable and pipeline areas;
- (o) Overhead cable areas and clearances;
- (p) Bridge transit knowledge - signals, channel width, regulations, and closed periods;
- (q) Lock characteristics, rules and regulations;
- (r) Commonly used anchorage areas;
- (s) Danger zone and restricted area regulations;
- (t) Regulated navigation areas;
- (u) Naval operation area regulations;
- (v) Maneuvering behavior for different vessel types;
- (w) Impact of propulsion and maneuvering machinery on vessel navigation;
- (x) Local ship assist and escort tug characteristics;
- (y) Tanker escort rules - state and federal;
- (z) Use of anchors and knowledge of ground tackle;
- (aa) Applicable federal and state marine and environmental safety law requirements;
- (bb) Marine security and safety zone concerns;
- (cc) Marine port security regulations;
- (dd) Harbor safety plan and harbor regulations; and
- (ee) Chapter 88.16 RCW and other relevant state and federal regulations.

(8) Length.

(a) In the Puget Sound pilotage district, for applicants taking an examination before July 1, 2008, the minimum length of the training program shall be seven months. For applicants who take an examination on or after July 1, 2008, the minimum length of the training program shall be eight months. The maximum length of the training program shall be thirty-six months if the applicant elects to receive a stipend. The length of the training program shall be established by the board based on the recommendation of the trainee evaluation committee.

(b) In the Grays Harbor pilotage district, the length of the training program shall be set by the board based on the recommendation of the trainee evaluation committee.

(9) Rest. It is the pilot trainee's responsibility to provide adequate rest time so that he/she is fully able to pilot on training trips. Pilot trainees shall not take pilot training trips in which they will be piloting the vessel without observing the rest rules in place by federal or state law or regulation. For purposes of calculating rest required before a training trip in which the pilot trainee will be piloting after an observation trip in which the pilot trainee did not pilot the vessel, such observation trip shall be treated as though it had been a normal pilotage assignment. Nothing herein shall be construed as requiring any particular amount of rest before any observation trip in which the pilot trainee will not be piloting.

(10) Stipend. At the initial meeting with the trainee evaluation committee the applicant shall indicate whether he/she wishes to receive a stipend during the training program. In the Puget Sound pilotage district, as a condition of receiving such stipend, applicants will agree to forego during the training program other full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of the training program. With the consent of the board and the restructuring of the training program, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during the training program. The stipend paid to pilot trainees shall be six thousand dollars per month (or such other amount as may be set by the board from time to time), shall be contingent upon the board's setting of a training surcharge fee in the tariffs levied pursuant to WAC 363-116-185 and 363-116-300 sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board. Any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300 shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the fee or to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a quarterly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharge fees. The board shall direct the disposition of all funds in the account.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee to which members shall be appointed by the board. The committee shall include: Three active licensed Washington state pilots, who, to the extent possible, shall be from the district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry from the relevant pilotage district (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one public

representative member of the board. The committee shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it.

(12) Training pilots. The board shall designate as training pilots those pilots with a minimum of seven years of piloting in the relevant district who are willing to undergo such training as the board may require and provide. The board may establish a lower experience level for the Grays Harbor pilotage district. Training pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of training pilots available for public inspection at all times. All pilot members of the trainee evaluation committee shall also be training pilots.

(13) Evaluation. When a pilot trainee pilots a vessel under the supervision of another pilot, the supervising pilot shall, to the extent possible, communicate with and give guidance to the pilot trainee in an effort to make the trip a valuable learning experience. After each such trip, the supervising pilot shall complete a form provided by the board evaluating the pilot trainee's performance. The board shall prepare different forms to be used by supervising pilots who are training pilots and those who are not. Evaluation forms prepared by licensed pilots who are not training pilots shall be used by the trainee evaluation committee and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to the training program. All evaluation forms shall be delivered or mailed by the supervising pilot to the board. They shall not be given to the pilot trainee. The supervising pilot may show the contents of the form to the trainee, but the pilot trainee has no right to see the form until it is filed with the board. The trainee evaluation committee shall review these evaluation forms from time to time and the chairperson of the trainee evaluation committee shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the trainee evaluation committee may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the length of the training program.

(14) Removal. A pilot trainee may be removed from the training program by the board if it finds any of the following:

- (a) Failure to maintain the minimum federal license required by RCW 88.16.090;
- (b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;
- (c) Failure to devote full time to training in the Puget Sound pilotage district if receiving a stipend;
- (d) The pilot trainee is not physically fit to pilot;
- (e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in the training program;
- (f) Inadequate performance on examinations or other actions required by the training program;
- (g) Failure to demonstrate the superior skills required in the initial evaluation;
- (h) Inadequate performance on training trips; or
- (i) Violation of a training program requirement, law, regulation or directive of the board.

(15) Completion of the training program shall include the requirement that the pilot trainee:

- (a) Successfully complete the requirements set forth in the training program;
- (b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot applicant seeks a license; and
- (c) Successfully complete any local knowledge examination(s) required by the board and specified in the training program.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-078, filed 8/29/05, effective 10/1/05.]

WAC 363-116-080 Licensing of pilots. (1) No person shall be issued a pilot license until he/she has applied for a pilot license and successfully completed:

- (a) The written examination(s);
- (b) The simulator evaluation;
- (c) The pilot training program;
- (d) A physical examination; and
- (e) Tendered the license fee stipulated in WAC 363-116-070.

(2) A majority of board members in attendance at a meeting where licensing of an applicant is scheduled for consideration, shall pass on the issuance of a pilot license. Pilot licenses shall be signed by the chairperson or his/her designee.

(3) At the time of completion of the training program as provided in WAC 363-116-078 and at the time of consideration for licensing, all applicants must provide a copy of his/her U.S. master license required by RCW 88.16.090 with a first class U.S. pilotage endorsement without tonnage or other restrictions on that U.S. master license to pilot in all of the waters of the pilotage district defined in RCW 88.16.050 in which the applicant desires to be licensed and an endorsement on that U.S. master license as a radar observer (unlimited); and a certificate representing competency in automatic radar plotting aids (ARPA).

(4) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

(5) After completion of the training program the trainee evaluation committee shall review the evaluations and the pilot trainee's performance on other required aspects of the training program and make a recommendation to the board that the pilot trainee is: Suitable for licensing; not suitable for licensing; or, in need of more training and further evaluation. The board shall consider such recommendation and may: Issue the license if there is a need for a pilot in the relevant district; require more training for the pilot trainee if necessary; deny a license if it finds that the pilot trainee should not be licensed; or, delay the issuance of a license, if there is no need for a pilot at that time in the relevant district. If the board delays the issuance of a license, it may prescribe additional training trips for the pilot trainee and continue the pilot trainee in the training program. The criteria to be followed by the board in issuing or denying licenses shall include, but not be limited to: Performance in the training program; piloting

and ship handling and general seamanship skills; local knowledge; and, bridge presence and communication skills.

(6) If two or more pilot trainees are deemed qualified by the board for issuance of a license at the same meeting of the board, the pilot trainee with the highest combined score on the initial written examination and simulator evaluation shall be licensed first.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-080, filed 8/29/05, effective 10/1/05. Recodified as § 363-116-080. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035(2). 92-14-070, § 296-116-080, filed 6/26/92, effective 7/27/92. Statutory Authority: RCW 88.16.090(2). 90-23-080, § 296-116-080, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 88.16.090. 89-18-045 (Order 89-7, Resolution No. 89-7), § 296-116-080, filed 8/31/89, effective 10/1/89; 88-10-037 (Order 88-9, Resolution No. 88-9), § 296-116-080, filed 5/3/88. Statutory Authority: RCW 88.16.035. 86-07-010 (Order 86-2, Resolution No. 86-2), § 296-116-080, filed 3/10/86. Statutory Authority: RCW 88.16.090. 82-15-028 (Order 82-7, Resolution No. 82-7), § 296-116-080, filed 7/14/82; 81-21-019 (Order 81-4, Resolution No. 81-4), § 296-116-080, filed 10/13/81. Statutory Authority: RCW 88.16.035. 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-080, filed 3/4/80; 79-11-063 (Order 79-5, Resolution No. 79-5), § 296-116-080, filed 10/18/79; 79-05-023 (Order 79-2, Resolution No. 79-2), § 296-116-080, filed 4/17/79; Order 75-8, § 296-116-080, filed 3/10/75; Order 73-6, § 296-116-080, filed 5/11/73; Order 2-68, § 296-116-080, filed 11/1/68; § 8, effective 11/25/58.]

WAC 363-116-082 Limitations on new pilots. (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during his/her first five years of active service. For purposes of this section, the term "tank vessel" shall, in addition to tank ships, include any articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. For purposes of this section, the term "petroleum products" shall include crude oil, refined products, liquefied natural gas, and propane gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of the 1969 International Convention on Tonnage Measurement of Ships.

(2) Puget Sound pilotage district - license limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	30,000 GT (ITC) or 660 feet except for passenger vessels which may only have a maximum size of 5000 GT (ITC)
2	30,000 GT (ITC)	38,000 GT (ITC)
3	38,000 GT (ITC)	48,000 GT (ITC)
4	45,000 GT (ITC)	60,000 GT (ITC)
5	55,000 GT (ITC)	75,000 GT (ITC)

(3) Puget Sound pilotage district - pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation

committee shall recommend to the board a series of eight trips to be made by each pilot in the last one hundred twenty days of each year of the license limitation periods specified in subsection (2) of this section, except that pilots whose license anniversary date is less than one hundred twenty days after the effective date of this section shall only be required to make three such trips prior to the first license anniversary subsequent to the effective date of this section. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, or between the pilot station and a port. The supervising pilots shall complete and submit to the board an evaluation form provided by the board for each trip a new pilot performs.

(4) Grays Harbor pilotage district - license limitation periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot vessels in violation of the restrictions set forth in the table below during the indicated license year.

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	25,000 GT (ITC) except that piloting on vessels of any size is prohibited through the Chehalis River Bridge unless vessel is in ballast and does not exceed 25,000 GT (ITC)
2	10,000 GT (ITC)	30,000 GT (ITC)
3	45,000 GT (ITC)	45,000 GT (ITC)
4	60,000 GT (ITC)	60,000 GT (ITC)
5	75,000 GT (ITC)	75,000 GT (ITC)

Notwithstanding subsection (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the chairperson or acting chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

(5) Grays Harbor pilotage district - pilot license upgrade requirements.

(a) Prior to the expiration of the first license year, a new pilot must make five license upgrade trips. Three of these trips shall be through the Chehalis River bridge on loaded or

partially loaded vessels. The other trips shall be on vessels in excess of 25,000 GT (ITC) and involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(b) Prior to the expiration of the second license year, a new pilot must make three license upgrade trips on vessels in excess of 30,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the third license year, a new pilot must make three license upgrade trips on vessels in excess of 45,000 GT (ITC) or on the nearest larger size vessels available. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(d) Prior to the expiration of the fourth license year, a new pilot must make two license upgrade trips on vessels in excess of 60,000 GT (ITC) or on the nearest larger size vessels available.

(e) Prior to the expiration of the fifth license year, a new pilot must make two license upgrade trips on vessels in excess of 75,000 GT (ITC) or on the nearest larger size vessels available.

(f) Notwithstanding (c), (d), and/or (e) of this subsection not being accomplished due to unavailability of vessels, in the sixth license year a pilot will be issued a license without limitations.

(6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he/she shall notify the board and request a revised schedule of limitations.

(7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(8) All limitations on a pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required license upgrade trips and the vessel simulator courses.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-082, filed 8/29/05, effective 10/1/05. Statutory Authority: RCW 88.16.105 and 88.16.035. 05-04-028, § 363-116-082, filed 1/26/05, effective 2/26/05. Statutory Authority: RCW 88.16.105. 99-08-003, § 363-116-082, filed 3/25/99, effective 4/25/99; 97-14-032, § 363-116-082, filed 6/25/97, effective 7/26/97. Recodified as § 363-116-082. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035 and 88.16.105. 93-09-016, § 296-116-082, filed 4/14/93, effective 5/15/93. Statutory Authority: RCW 88.16.105. 92-24-056, § 296-116-082, filed 11/30/92, effective 12/31/92; 92-08-051, § 296-116-082, filed 3/26/92, effective 4/26/92; 89-18-063 (Order 89-6, Resolution No. 89-6), § 296-116-082, filed 9/1/89, effective 10/2/89; 89-11-060 (Order 89-5, Resolution No. 89-5), § 296-116-082, filed 5/18/89. Statutory Authority: RCW 88.16.035. 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-082, filed 3/4/80.]

WAC 363-116-083 Examination review and appeal procedures. (1) Applicants who take an examination as provided in this chapter shall provide the board with an address to be used for notification of the examination results. Such address shall be a place at which mail is delivered. In addition,

an applicant may provide the board with other means of contact such as telephone numbers and/or e-mail addresses. It will be the responsibility of the applicant to ensure that the board has a current mailing address at all times. The mailing address will be considered the primary means of notice by the board. If the applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing and notarized to the board as having power of attorney specifically to act in the applicant's behalf regarding such notice. Notice delivered to the address provided by the applicant will be considered received by the applicant for the purpose of "receipt of notification of the examination results" as provided in subsection (2) of this section.

(2) Any applicant who takes an examination as provided in this chapter may request a review by the board of his/her examination results. This request must be in writing and must be received by the board within five business days of receipt of notification of the examination results. The board will not set aside its prior determination unless the applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. If it finds that reasonable cause exists to question an examination grade, the board may allow any applicant appealing his/her examination results to enter the simulator evaluation. No applicant approved by the board for entry into the simulator evaluation shall be disqualified by the successful examination appeal of another applicant.

(3) The procedure for filing a review is as follows:

(a) The applicant must contact the board office for an appointment to appear personally to review his/her examination.

(b) The applicant will be provided a form to complete in the board office in defense of his/her examination answers.

(c) The applicant must state the specific reason or reasons why he/she feels the results of his/her examination should be changed.

(d) The applicant will be identified only by applicant number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) The applicant may not bring in notes or texts for use while completing the informal review form.

(f) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(g) The board will schedule a closed session meeting to review the examinations and forms completed by the applicant for the purpose of informal review.

(h) The applicant will be notified in writing of the results.

(4) Any applicant who is not satisfied with the result of the examination review may request a formal hearing pursuant to RCW 88.16.100 and governed by the provisions of chapter 34.05 RCW. Such hearing must be requested within thirty days of receipt of the result of the board's review of the examination results.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-083, filed 8/29/05, effective 10/1/05. Recodified as § 363-116-083. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 88-10-038 (Order 88-10, Resolution No. 88-10), § 296-116-083, filed 5/3/88.]

WAC 363-116-175 Tariff proposals. The board of pilotage commissioners has been charged with certain statutory duties by RCW 88.16.035. To assist the board in its responsibilities to provide for the maintenance of efficient and competent pilotage services and to annually fix the pilotage tariffs for pilotage services to be performed on the waters covered by chapter 88.16 RCW, it shall be the policy that licensed pilots, ship operators, and interested members of the public may jointly or separately present tariff proposals to the board for its consideration. Any such proposals shall endeavor to provide that the tariff at all times funds the training program and the number of pilots licensed by the board.

To that end, individual Washington state licensed pilots, independent ship owners or operators, members of the public and/or agents, committees or organizations representing said persons or corporations are authorized to meet, discuss, and prepare joint or separate tariff proposals for board consideration. They may appear before the board to support or oppose any such proposal, or part thereof, but the final determination, adoption and active supervision of the rates, charges, expense items, and classifications to be contained in said pilotage tariffs and the rules, regulations, or procedures to implement said annual tariffs shall be made by the board.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-175, filed 8/29/05, effective 10/1/05. Recodified as § 363-116-175. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 87-19-100 (Order 87-1, Resolution No. 87-1), § 296-116-175, filed 9/17/87.]

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours August 1, 2005, through 2400 hours July 31, 2006.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district. The draft charges shall be \$90.00 per meter (or \$27.43 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$5,000 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2 or that go to anchor and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage fees listed above.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter	\$1000.00
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Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	\$647.88
Delays per hour	\$154.49
Cancellation charge (pilot only)	\$258.22
Cancellation charge (boat or helicopter only)	\$774.69

Pension charge:

Charge per pilotage assignment, including cancellations	\$180.00
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Travel allowance:

Transportation fee per assignment	\$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred	\$903.82

Bridge transit:

Charge for each bridge transited	\$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	\$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

[Statutory Authority: RCW 88.16.035. 05-14-029, § 363-116-185, filed 6/24/05, effective 8/1/05; 04-14-018, § 363-116-185, filed 6/28/04, effective 8/1/04; 03-21-089, § 363-116-185, filed 10/17/03, effective 11/17/03; 03-14-042, § 363-116-185, filed 6/24/03, effective 8/1/03; 02-13-076, § 363-116-185, filed 6/17/02, effective 6/17/02; 01-18-049, § 363-116-185, filed 8/30/01, effective 9/30/01; 01-13-066, § 363-116-185, filed 6/18/01, effective 6/18/01; 00-13-097, § 363-116-185, filed 6/21/00, effective 8/1/00; 99-16-027, § 363-116-185, filed 7/27/99, effective 8/1/99; 98-19-036, § 363-116-185, filed 9/11/98, effective 9/15/98; 97-15-120, § 363-116-185, filed 7/23/97, effective 8/1/97. Recodified as § 363-116-185. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 96-14-062, § 296-116-185, filed 6/28/96, effective 8/1/96; 95-13-054, § 296-116-185, filed 6/16/95, effective 8/1/95; 94-05-006, § 296-116-185, filed 2/3/94, effective 3/6/94; 93-13-055, § 296-116-185, filed 6/16/93, effective 7/17/93; 93-03-080, § 296-116-185, filed 1/19/93, effective 2/19/93; 92-14-069, § 296-116-185, filed 6/26/92, effective 7/27/92; 91-08-008, § 296-116-185, filed 3/26/91, effective 4/26/91; 90-09-013, § 296-116-185, filed 4/6/90, effective 5/7/90; 89-08-042 (Order 89-3, Resolution No. 89-3), § 296-116-185, filed 3/31/89; 88-05-043 (Order 88-2, Resolution No. 88-2), § 296-116-185, filed 2/17/88, effective 3/21/88. Statutory Authority: RCW 88.16.035(4). 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-185, filed 12/19/86; 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-185, filed 12/31/84; 83-15-012 (Order 83-3, Resolution No. 83-3), § 296-116-185, filed 7/12/83; 82-08-016 (Order 82-1, Resolution No. 82-1), § 296-116-185, filed 3/29/82; 81-07-009 (Order 81-1, Resolution No. 81-1), § 296-116-185, filed 3/6/81; 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-185, filed 3/4/80; Order 2-68, § 296-116-185, filed 11/1/68.]

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours October 1, 2005, through 2400 hours June 30, 2006.

CLASSIFICATION

Ship length overall (LOA)

RATE

Pilotage Rules

363-116-300

CLASSIFICATION	RATE	
Charges:	per LOA rate schedule in this section	
Boarding fee:	\$35.00	
Per each boarding/deboarding at the Port Angeles pilot station.		
Harbor shift - Live ship (Seattle Port)	LOA Zone I	
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I	
Harbor shift Dead ship	Double LOA Zone I	
Dead ship towing charge:	Double LOA Zone	
LOA of tug + LOA of tow + beam of tow		
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.		
Waterway and bridge charges:		
Ships up to 90' beam:		
A charge of \$185.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$88.00 per bridge.		
Ships 90' beam and/or over:		
A charge of \$251.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$175.00 per bridge.		
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)		
Two or three pilots required:		
In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.		
Compass adjustment	\$250.00	
Radio direction finder calibration	\$250.00	
Launching vessels	\$376.00	
Trial trips, 6 hours or less (Minimum \$ 708.00)	\$118.00 per hr.	
Trial trips, over 6 hours (two pilots)	\$235.00 per hr.	
Shilshole Bay – Salmon Bay	\$147.00	
Salmon Bay – Lake Union	\$114.00	
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$147.00	
Cancellation charge	LOA Zone I	
Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II	
Docking delay after anchoring:	\$118.00 per hr.	
Applicable harbor shift rate to apply, plus \$118.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof.		
Sailing delay:	\$118.00 per hour	
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.		
Slowdown:	\$118.00 per hour	
When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$118.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.		
Tonnage charges:		
0 to 20,000 gross tons:		
Additional charge to LOA zone mileage of \$0.0059 a gross ton for all gross tonnage up to 20,000 gross tons.		
20,000 to 50,000 gross tons:		
Additional charge to LOA zone mileage of \$0.0606 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.		
50,000 gross tons and up:		
In excess of 50,000 gross tons, the charge shall be \$0.0726 per gross ton.		
For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.		
Delayed arrival-Port Angeles:	\$118.00 per hour	
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$118.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.		

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 157.00
Bangor	153.00
Bellingham	181.00
Bremerton	135.00
Cherry Point	209.00
Dupont	97.00
Edmonds	35.00
Everett	59.00
Ferndale	199.00
Manchester	131.00
Mukilteo	53.00
Olympia	125.00
Point Wells	35.00
Port Gamble	185.00
Port Townsend (Indian Island)	223.00
Seattle	15.00
Tacoma	71.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

Training surcharge: Effective October 1, 2005 a surcharge of \$10 shall be added to each vessel assignment for establishing a fund for payment of pilot trainee stipends. Thereafter, an additional \$10 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each vessel assignment. The need for the initial \$10 surcharge will be reviewed at each regular tariff hearing, or at such other times as may be determined by the board, where need is determined by considering the funds then avail-

able for trainee stipends and the number of trainees projected to be in the training program receiving a stipend during the tariff year.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 449	183	283	484	721	971	1,260
450 - 459	190	289	487	732	987	1,266
460 - 469	192	292	494	744	1,000	1,272
470 - 479	199	300	501	759	1,003	1,274
480 - 489	204	306	503	773	1,009	1,280
490 - 499	207	310	510	787	1,022	1,286
500 - 509	218	315	518	797	1,029	1,294
510 - 519	219	321	523	808	1,040	1,298
520 - 529	222	332	530	812	1,049	1,310
530 - 539	229	336	537	821	1,066	1,324
540 - 549	233	341	549	830	1,083	1,336
550 - 559	237	353	553	842	1,091	1,349
560 - 569	246	367	564	849	1,102	1,362
570 - 579	251	370	566	853	1,113	1,371
580 - 589	261	376	579	860	1,120	1,385
590 - 599	274	384	583	864	1,136	1,401
600 - 609	283	395	590	867	1,150	1,408
610 - 619	299	399	602	871	1,161	1,420
620 - 629	311	405	606	881	1,174	1,437
630 - 639	326	411	613	883	1,185	1,449
640 - 649	338	421	620	885	1,194	1,460
650 - 659	362	428	631	893	1,209	1,475
660 - 669	369	433	636	897	1,222	1,487
670 - 679	382	444	643	913	1,236	1,495
680 - 689	388	452	652	921	1,247	1,510
690 - 699	399	459	661	937	1,260	1,541
700 - 719	417	474	673	949	1,284	1,559
720 - 739	442	487	690	962	1,310	1,585
740 - 759	459	510	703	971	1,336	1,613
760 - 779	477	527	721	987	1,362	1,635
780 - 799	501	550	732	1,000	1,385	1,663
800 - 819	521	566	747	1,006	1,408	1,688
820 - 839	537	586	764	1,022	1,437	1,708
840 - 859	560	610	778	1,033	1,459	1,737
860 - 879	581	631	793	1,060	1,487	1,762
880 - 899	602	649	808	1,085	1,510	1,788
900 - 919	619	670	822	1,112	1,541	1,813
920 - 939	638	690	842	1,136	1,557	1,837
940 - 959	661	708	854	1,161	1,585	1,860
960 - 979	677	729	869	1,185	1,613	1,888
980 - 999	699	747	884	1,209	1,635	1,911
1000 - 1019	741	795	923	1,273	1,711	1,994
1020 - 1039	761	818	952	1,310	1,763	2,053
1040 - 1059	784	838	980	1,349	1,814	2,114
1060 - 1079	808	868	1,008	1,390	1,870	2,177
1080 - 1099	832	893	1,039	1,430	1,925	2,242

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
1100 - 1119	856	919	1,070	1,474	1,982	2,310
1120 - 1139	882	948	1,103	1,517	2,042	2,378
1140 - 1159	908	975	1,135	1,563	2,104	2,450
1160 - 1179	935	1,003	1,169	1,610	2,166	2,523
1180 - 1199	964	1,034	1,203	1,658	2,232	2,599
1200 - 1219	993	1,065	1,239	1,708	2,298	2,676
1220 - 1239	1,022	1,097	1,276	1,759	2,366	2,756
1240 - 1259	1,052	1,129	1,314	1,811	2,438	2,838
1260 - 1279	1,083	1,162	1,353	1,865	2,511	2,923
1280 - 1299	1,115	1,198	1,394	1,922	2,585	3,011
1300 - 1319	1,149	1,232	1,435	1,978	2,663	3,101
1320 - 1339	1,184	1,269	1,479	2,038	2,742	3,194
1340 - 1359	1,218	1,308	1,523	2,098	2,824	3,290
1360 - 1379	1,255	1,346	1,568	2,162	2,908	3,387
1380 - 1399	1,292	1,386	1,616	2,226	2,995	3,490
1400 - 1419	1,331	1,428	1,662	2,292	3,085	3,594
1420 - 1439	1,370	1,471	1,713	2,361	3,178	3,702
1440 - 1459	1,412	1,515	1,765	2,431	3,273	3,812
1460 - 1479	1,452	1,560	1,816	2,504	3,371	3,926
1480 - 1499	1,496	1,606	1,871	2,578	3,471	4,043
1500 & Over	1,541	1,655	1,927	2,657	3,574	4,164

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. 05-18-021, § 363-116-300, filed 8/29/05, effective 10/1/05. Statutory Authority: RCW 88.16.035. 05-12-055, § 363-116-300, filed 5/26/05, effective 7/1/05; 04-12-014, § 363-116-300, filed 5/24/04, effective 7/1/04; 03-12-019, § 363-116-300, filed 5/28/03, effective 7/1/03; 02-12-008, § 363-116-300, filed 5/23/02, effective 7/1/02; 01-18-050, § 363-116-300, filed 8/30/01, effective 9/30/01; 01-12-032, § 363-116-300, filed 5/29/01, effective 7/1/01; 00-11-119, § 363-116-300, filed 5/22/00, effective 7/1/00; 99-12-027, § 363-116-300, filed 5/25/99, effective 7/1/99; 98-12-008, § 363-116-300, filed 5/22/98, effective 7/1/98; 97-12-017, § 363-116-300, filed 5/28/97, effective 7/1/97. Recodified as § 363-116-300. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 96-12-017, § 296-116-300, filed 5/29/96, effective 7/1/96; 95-12-018, § 296-116-300, filed 5/30/95, effective 7/1/95; 94-12-044, § 296-116-300, filed 5/27/94, effective 7/1/94; 93-12-133, § 296-116-300, filed 6/2/93, effective 7/3/93; 92-14-007, § 296-116-300, filed 6/19/92, effective 7/20/92; 91-11-074, § 296-116-300, filed 5/20/91, effective 6/20/91; 90-20-116, § 296-116-300, filed 10/2/90, effective 11/2/90; 90-08-095, § 296-116-300, filed 4/4/90, effective 5/5/90; 89-08-041 (Order 89-2, Resolution No. 89-2), § 296-116-300, filed 3/31/89. Statutory Authority: RCW 88.16.050. 88-05-039 (Order 88-1, Resolution No. 88-1), § 296-116-300, filed 2/16/88, effective 3/18/88. Statutory Authority: RCW 88.16.035(4). 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-300, filed 12/19/86; 86-19-066 (Order 86-6, Resolution No. 86-6), § 296-116-300, filed 9/16/86; 86-02-035 (Order 86-1, Resolution No. 86-1), § 296-116-300, filed 12/30/85; 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-300, filed 12/31/84; 84-04-006 (Order 84-1, Resolution No. 84-1), § 296-116-300, filed 1/20/84; 83-17-055 (Order 83-6, Resolution No. 83-6), § 296-116-300, filed 8/17/83; 82-13-065 (Order 82-4, Resolution No. 82-4), § 296-116-300, filed 6/16/82. Statutory Authority: RCW 88.16.035. 81-12-017 (Order 81-2, Resolution No. 81-2), § 296-116-300, filed 5/29/81; 80-06-084 (Order 80-1, Resolution No. 80-1), § 296-116-300, filed 5/28/80. Statutory Authority: RCW 88.16.035(4). 79-07-033 (Order 79-4, Resolution No. 79-4), § 296-116-300, filed 6/19/79. Statutory Authority: Chapter 88.16 RCW and 1977 ex. sess. c 337, §§ 1 and 4. 78-02-008 (Order 78-1), § 296-116-300, filed 1/6/78, effective 2/10/78; Order 77-18, § 296-116-300, filed 9/20/77, effective 11/1/77; Order 76-24, § 296-116-300, filed 7/22/76; Order 75-3, § 296-116-300, filed 2/10/75; Order 74-2, § 296-116-300, filed 1/8/74; Order 73-8, § 296-116-300, filed 6/20/73 and Emergency Order 73-10, filed 7/19/73, effective 8/14/73; Order 70-7, § 296-116-300, filed 7/16/70; 7/25/67; 2/18/64; 10/29/62; 12/28/60; 3/23/60.]

Title 365 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY DEVELOPMENT)

Chapters 365-205

Individual development accounts.

Chapter 365-205 WAC INDIVIDUAL DEVELOPMENT ACCOUNTS

WAC

365-205-010	Purpose.
365-205-020	What are individual development accounts (IDAs)?
365-205-030	What assets may be purchased with an IDA?
365-205-040	Who is eligible to become an IDA accountholder?
365-205-050	How is the IDA program operated?
365-205-060	What are the accountholder's responsibilities?
365-205-070	Under what circumstances may an accountholder withdraw funds from their account?
365-205-080	Over what period of time must assets be purchased?
365-205-090	What about the foster youth IDA program?

WAC 365-205-010 Purpose. The purpose of the individual development accounts (IDA) program is to create incentives and support for savings and purchases of major assets by low-income people in Washington state. IDAs will promote job training, home ownership, and business development among low-income individuals and provide assistance in meeting the financial goals of low-income individuals. Additionally, a special IDA program for foster youth is described below.

The changes made in state statute to create this program can be found in RCW 43.79A.040 and chapter 43.31 RCW.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-010, filed 10/18/05, effective 11/18/05.]

WAC 365-205-020 What are individual development accounts (IDAs)? IDAs are matched savings accounts for low-income households that are designed to help them invest in assets, such as home ownership, small business, or postsecondary education. The state will match eligible savings at a rate of one dollar for every dollar deposited by an IDA accountholder into their account. Accountholders can earn up to four thousand dollars in state match.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-020, filed 10/18/05, effective 11/18/05.]

WAC 365-205-030 What assets may be purchased with an IDA? An IDA may be used for:

- **Postsecondary education and training.** Education and training may be provided to the accountholder, their spouse, or a dependent child and must be provided through an educational institution or training provider approved by the Washington state work force education and training coordi-

nating board. Nonapproved training providers may be granted a purchase waiver by CTED.

• **First-time home ownership.** The accountholder cannot have owned a home during the three-year period prior to enrollment into the IDA program.

Exceptions include:

(1) Any individual who is a displaced homemaker or a single parent on the basis that the individual, while a homemaker and/or married, owned a home with his or her spouse or resided in a home owned by the spouse; and

(2) An individual who owns or owned, as a principal residence during such three-year period, a dwelling unit whose structure is:

(a) Not permanently affixed to a permanent foundation in accordance with local or other applicable regulations; or

(b) Not in compliance with state, local, or model building codes, or other applicable codes, and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

• **Small business capitalization.** Eligible uses include capital, land, plant, equipment and inventory expenses or for working capital pursuant to a business plan. The business plan must have been developed with a business counselor, trainer and/or financial institution approved by the IDA service provider. The business plan must include a description of the services and/or goods to be sold, a marketing strategy and financial projections.

• **Computer.** The purchase of a computer must be determined by the IDA service provider to be necessary for work-related activities and/or postsecondary education or training.

• **Automobile or truck.** The purchase of a vehicle must be determined by the IDA service provider to be necessary for work-related activities and/or postsecondary education or training.

• **Home improvements.** Eligible improvements include repairs and other modifications to improve the health and safety, accessibility, or energy efficiency, of a home owned and occupied by the accountholder. The service provider may approve other improvements of a nonluxury nature.

• **Assistive technologies.** Eligible uses include the purchase or enhancement of technologies that will allow persons with disabilities to participate in work-related activities.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-030, filed 10/18/05, effective 11/18/05.]

WAC 365-205-040 Who is eligible to become an IDA accountholder? Any individual whose household income at program entry is equal to or less than either:

(1) Eighty percent of the area median income, adjusted for household size; or

(2) Two hundred percent of federal poverty guidelines.

Local IDA service providers may choose to target incomes below these levels in their local IDA programs.

Additionally, the net worth of the individual's household as of the end of the previous calendar year may not exceed ten thousand dollars. Household net worth is defined as the total market value of all assets that are owned in whole or in part by any household member minus the total debts or obligations of household members, except that, for purposes of determining IDA eligibility, a household's assets shall not be

considered to include the primary dwelling unit and one motor vehicle owned by a member of the household.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-040, filed 10/18/05, effective 11/18/05.]

WAC 365-205-050 How is the IDA program operated? The Washington state department of community, trade and economic development (CTED) administers the IDA program through contracts with service providers for local service delivery. Service providers are responsible for local IDA program management and operations including:

• Accepting applications and determining eligibility for the program;

• Developing individual savings plans for each accountholder;

• Providing financial literacy and other types of training and/or counseling to prepare accountholders for their asset purchase;

• Providing basic support management for each accountholder and coordination with other resources and support services;

• Approving asset purchases and disbursing match to the person or organization from whom the asset is being purchased; and

• Ensuring compliance with program policies and procedures.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-050, filed 10/18/05, effective 11/18/05.]

WAC 365-205-060 What are the accountholder's responsibilities? Accountholders must sign an individual savings plan that identifies their savings and asset goal, and open a savings account at a financial institution that is participating in the IDA program. Accountholders must make deposits to their savings account on a regular basis and must attend financial literacy classes, which will help them with managing their finances. Additional training or counseling may also be provided to accountholders that will help to prepare them for their specific asset, such as home ownership counseling or micro-enterprise training. An accountholder may terminate their agreement with their service provider at any time and withdraw their savings, thereby giving up access to all IDA matching funds.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-060, filed 10/18/05, effective 11/18/05.]

WAC 365-205-070 Under what circumstances may an accountholder withdraw funds from their account?

Once an accountholder is ready to make an asset purchase, they must request approval of the purchase from their IDA service provider. Upon approval of the purchase, the service provider will issue payment directly to the person or entity from whom the asset is being purchased. At the service provider's discretion, business capitalization expenses may be paid from an IDA match account directly to a business capitalization account that is established in a federally insured financial institution or state insured institution if no federally insured financial institution is available.

If an accountholder wishes to withdraw funds for some purpose other than an eligible asset purchase, they must

request approval from their service provider. An accountholder may be allowed to withdraw all or part of their savings for the following emergencies:

- (1) Necessary medical expenses;
- (2) To avoid eviction of the individual from the individual's residence;
- (3) Necessary living expenses following loss of employment; or
- (4) Such other circumstances as the sponsoring organization determines merit emergency withdrawal.

The IDA accountholder making an emergency withdrawal from savings must reimburse the account for the amount withdrawn within twelve months of the date of withdrawal or the account will be closed. If an accountholder wishes to use their savings for an unapproved use, they must withdraw from the program and their account will be closed. Once an account is closed, any unused match associated with that account is forfeited.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-070, filed 10/18/05, effective 11/18/05.]

WAC 365-205-080 Over what period of time must assets be purchased? Accountholders must complete all program requirements and purchase their asset within four years of entering the program.

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-080, filed 10/18/05, effective 11/18/05.]

WAC 365-205-090 What about the foster youth IDA program? A special IDA program for foster youth is established to serve:

- (1) A person who is fifteen years of age or older who is a dependent of the department of social and health services (DSHS); or
- (2) A person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of DSHS for at least twenty-four months after the age of thirteen.

Foster youth IDAs follow the same general rules for operation and responsibilities as the regular low-income IDA program above with the differences noted below.

The state will match eligible savings at a rate up to two dollars for every dollar deposited by a foster youth IDA accountholder into their account. Foster accountholders can earn up to three thousand dollars in state match.

A foster youth IDA may be used for:

- **Postsecondary education or job training.** Education and training may be provided to the accountholder, their spouse, or a dependent child and must be provided through an educational institution or training provider approved by the Washington state education and training coordinating board. Nonapproved training providers may be granted a purchase waiver by CTED.

- **Housing needs.** Housing needs include rent, security deposit, and utilities costs and other costs deemed acceptable by the service provider.

- **Computer.** The purchase of a computer must be determined by the IDA service provider to be necessary for post-secondary education or training.

- **Car.** The purchase of a vehicle must be determined by the IDA service provider to be necessary for work-related activities.

- **Health insurance premiums.** Account funds must be used for paying premiums only, not insurance co-pays.

A foster youth participating in the program must contribute to an individual development account and develop an individual savings plan. The contributions may be derived from earned income or other income, as agreed to by CTED and the service provider. Other income shall include financial incentives for educational achievement provided by entities contracted with DSHS for independent living services for foster youth.

CTED has the authority to grant exceptions to rules (as long as they still comply with the statute).

[Statutory Authority: RCW 43.79A.040 and chapter 43.31 RCW. 05-21-091, § 365-205-090, filed 10/18/05, effective 11/18/05.]

Title 371 WAC

ENVIRONMENTAL HEARINGS OFFICE (POLLUTION CONTROL HEARINGS BOARD)

Chapters 371-08

Practice and procedure.

Chapter 371-08 WAC PRACTICE AND PROCEDURE

WAC

371-08-305	Definitions.
371-08-335	Filing a timely appeal with the board.
371-08-345	Service of the notice of appeal on the agency and other interested parties.
371-08-445	Use of telephone conferences, motion hearings and hearings.
371-08-450	Motions.

WAC 371-08-305 Definitions. As used in this chapter the following terms shall have the following meaning:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any state governmental entity, air pollution control authority, local health department or other agency whose decisions are subject to the board's jurisdiction.

(3) "Board" means the pollution control hearings board, a quasi-judicial board created pursuant to chapter 43.21B RCW and described in WAC 371-08-315. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

(4) "Business days" means Monday through Friday exclusive of any state or federal holidays.

(5) "Department" refers to and means the department of ecology.

(6) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service. Electronic filing of documents may be authorized by the presiding officer after consultation with the parties regarding format and authentication.

(7) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, allowed to intervene or joined as a party by the board.

(8) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(9) "Presiding officer" means a member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or vice-chairperson.

(10) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to delivery service of the copies.

(d) Commercial parcel delivery service. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

[Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. 05-15-017, § 371-08-305, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170. 96-15-003, § 371-08-305, filed 7/3/96, effective 8/3/96.]

WAC 371-08-335 Filing a timely appeal with the board. (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date of receipt of the order or decision. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated. The "date of receipt" of an order or decision means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

(3) An appeal may be filed with the board by personal delivery, commercial delivery, facsimile, or first-class, registered or certified mail. An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

[Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. 05-15-017, § 371-08-335, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170 and 1997 c 125. 97-19-064, § 371-08-335, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). 96-17-016, § 371-08-335, filed 8/12/96, effective 9/12/96.]

WAC 371-08-345 Service of the notice of appeal on the agency and other interested parties. (1) Within thirty days of the date of receipt of the agency's order or decision, the appellant shall also serve a copy of the notice of appeal on the agency whose order or decision is being appealed. Proof of service may be made by certificate or affidavit filed with the board.

(2) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal. There is no time limit on when such service must be made.

[Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. 05-15-017, § 371-08-345, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). 96-17-016, § 371-08-345, filed 8/12/96, effective 9/12/96.]

WAC 371-08-445 Use of telephone conferences, motion hearings and hearings. Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone call to promote the fair, speedy and economical processing of a matter.

[Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. 05-15-017, § 371-08-445, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170. 96-15-003, § 371-08-445, filed 7/3/96, effective 8/3/96.]

WAC 371-08-450 Motions. (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. A proposed order shall be submitted with a motion only at the request of the presiding officer.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. The presiding officer will decide whether or not a motion hearing will be held and notify the parties accordingly. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion dispositive of all or part of an appeal shall be filed and served fourteen days from the receipt of the motion by the nonmoving party. The moving party shall then have ten days from receipt of the response to file and serve a reply.

(b) All responses to any nondispositive motion shall be filed and served five days from receipt of the motion by the nonmoving party. The moving party shall then have three days from receipt of the response to file and serve a reply.

(c) All dispositive motions shall be filed and served not later than sixty days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

[Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. 05-15-017, § 371-08-450, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170. 02-06-012, § 371-08-450, filed 2/22/02, effective 3/25/02; 96-15-003, § 371-08-450, filed 7/3/96, effective 8/3/96.]

Title 374 WAC

POLLUTION LIABILITY INSURANCE AGENCY

Chapters

374-60 **Underground storage tank community assistance program.**

Chapter 374-60 WAC

UNDERGROUND STORAGE TANK COMMUNITY ASSISTANCE PROGRAM

WAC

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WAC 374-60-010 Authority and purpose. The purpose of this chapter is to clarify eligibility criteria and requirements for the underground storage tank community assistance program as set forth in chapter 70.148 RCW.

This chapter recognizes the hardship posed by loss of local sources of petroleum products faced by rural and remote communities, local governments and rural hospitals due to an inability to meet U.S. Environmental Protection Agency and department of ecology regulations and requirements for petroleum underground storage tanks. The underground storage tank community assistance program will award grants to qualifying privately owned and operated sources of petroleum products, local government entities, and rural hospitals meeting vital government, public health, education, recreation, or safety needs for replacement or upgrading and, if required, clean up of underground petroleum storage tank sites.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-010, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 91-24-048, § 374-60-010, filed 11/27/91, effective 12/28/91.]

WAC 374-60-020 Definitions. (1) "Agency" means the Washington state pollution liability insurance agency.

(2) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third party payor, as determined by the Washington state hospital commission. (Defined in RCW 70.39.020.)

(3) "Cleanup" means any remedial action taken that complies with WAC 173-340-450 and any remedial action taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with WAC 173-340-360.

(4) "Community assistance program" means the program established by the Washington state legislature under the provision of chapter 70.148 RCW to provide financial assistance grants to:

(a) Private owners and operators of underground petroleum storage tanks;

(b) Local governmental entities; and

(c) Rural hospitals.

(5) "Director" means the director of the Washington state pollution liability insurance agency.

(6) "Local government entity" means a unit of local government, either general purpose or special purpose, and includes but is not limited to, counties, cities, towns, school districts and other governmental and political subdivisions. The local government unit must perform a public purpose and either:

(a) Receive an annual appropriation;

(b) Have taxing power; or

(c) Derive authority from state or local government law enforcement power.

(7) "Operator" means any person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank. (Defined in RCW 70.148.010.)

(8) "Owner" means any person who owns a petroleum underground storage tank. (Defined in RCW 70.148.010.)

(9) "Petroleum" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute) and includes gasoline, kerosene, heating oils and diesel fuels. (Defined in RCW 70.148.010.)

(10) "Private owner or operator" means any person, corporation, partnership or business that owns or operates one or more regulated petroleum underground storage tanks maintained for the purpose of providing petroleum products for retail sale to the public.

(11) "Release" means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere. (Defined in RCW 70.148.010.)

(12) "Remote rural community" means the UST site cannot be located within a city, town or urban area with a population of ten thousand or more.

(13) "Rural hospital" means a hospital located anywhere in the state except the following areas:

(a) The counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark and Spokane;

(b) Areas within a twenty-five mile radius of an urban area with a population exceeding thirty thousand persons; and

(c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla. (Defined in RCW 18.89.020.)

(14) "Serious financial hardship" means:

(a) For a private sector applicant, that the applicant can provide conclusive evidence that the business and/or business operator(s), business owner(s) having a 20% or greater interest in the business or other persons with a beneficial interest in the business' profits do not have the cash, cash equivalents or borrowing capacity to bring a petroleum underground storage tank site into compliance with all federal and state underground storage tank regulations and requirements;

(b) For a public sector applicant, that the applicant can provide conclusive evidence that the unit of government does not have adequate fund balances, debt capacity or other local revenue generating options to bring a petroleum underground storage tank site into compliance with all federal and state underground storage tank regulations and requirements; and

(c) For a rural hospital, that the applicant can provide conclusive evidence that the rural hospital does not have the cash, cash equivalents or borrowing capacity to bring a petroleum underground storage tank site into compliance with all federal and state underground storage tank regulations and requirements.

(15) "Sole source" means the only retailer of petroleum products to the motoring public that is located in a city or town or, if the retailer is remote from a community, the only business within a minimum of a five-mile radius where the motoring public can purchase petroleum products. For retailers that meet the requirements of RCW 70.148.130 (20)(b),

the business must be the only one within a minimum of a ten-mile radius.

(16) "Underground storage tank (UST)" means any one or combination of tanks, including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of underground pipes connected to the tank) is ten percent or more beneath the surface of the ground. (Defined in RCW 70.148.010.)

(17) "UST site" means the location at which underground storage tanks are in place or will be placed. An UST site encompasses all of the property with a contiguous ownership that is associated with the use of the tanks. (Defined in WAC 173-360-120.)

(18) "Vital local government, public health, education, recreation or safety need" means an essential or indispensable service provided by government for citizens.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-020, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 93-04-041 (Order 93-01), § 374-60-020, filed 1/27/93, effective 2/27/93; 91-24-048, § 374-60-020, filed 11/27/91, effective 12/28/91.]

WAC 374-60-060 Applications. (1) Applications for assistance under the underground storage tank community assistance program shall be made on forms furnished by the agency in accordance with their instructions. All applications shall be legible, contain all the information required and shall be accompanied by all required documents and exhibits.

(a) Applications which are illegible, incomplete, or which fail to include all necessary information, documents or exhibits, or which are otherwise not in compliance with these rules, may be rejected by the agency.

(b) The agency may ignore defects in applications which are immaterial or insubstantial.

(2) Separate and different applications will be prepared for:

- (a) Private owners and operators;
- (b) Local government entities; and
- (c) Rural hospitals.

(3) Applications will be prepared in two parts:

(a) Part I of the application is designed to determine if the applicant meets certain eligibility criteria established for the program.

(b) Part II of the application is designed to determine if the applicant meets the financial eligibility criteria established for a grant, and requires detailed financial information, submission of a construction proposal, and certification by a local government entity of the vital local government, public health, education, recreation or safety need met by the continued operation of the UST(s).

(4) The director shall provide forms to local government entities for certification that continued operation of UST(s) by the private owners and operators is necessary to meet vital local government, public health, education, recreation or safety needs. Such certification shall consist of a local government resolution certifying:

(a) That other petroleum providers are remote from the community;

(b) The specific vital need or needs the owner or operator meets; and

(c) Designating the local official who will be responsible for negotiating the contract for provision of cost-plus petroleum products to the local governmental entity.

(5) The director shall provide forms to local government entities for certification that maintaining continued operation of the petroleum UST(s) owned by the local government meets a vital local public health, education, recreation, or safety need. Such certification shall consist of a local government resolution certifying that continued operation of the UST(s) meets a vital local government, public health, education, recreation, or safety need.

(6) The director shall provide forms to local government entities for certification that UST(s) operated by rural hospitals meet vital public health, and safety needs. Such certification shall consist of a local government resolution certifying that the continued operation of the UST(s) by the rural hospital is necessary.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-060, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 93-04-041 (Order 93-01), § 374-60-060, filed 1/27/93, effective 2/27/93; 91-24-048, § 374-60-060, filed 11/27/91, effective 12/28/91.]

WAC 374-60-070 Eligibility—Private owners and operators. Private owners and operators, or a combination thereof, of an UST site may be eligible for an underground storage tank community assistance program grant if they meet the following requirements:

(1) Own or operate an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

(2) Own or operate a business that sells or has sold petroleum products to the motoring public in a remote rural area;

(3) Demonstrate that the UST(s) is registered with the department of ecology;

(4) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

(5) Demonstrate that continued operation of the UST(s) meets a vital local government, public health, recreation, or safety need, as evidenced by a local government entity's certification; and

(6) Sites with contamination must file a claim with any valid pollution liability insurance policy.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-070, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 93-04-041 (Order 93-01), § 374-60-070, filed 1/27/93, effective 2/27/93; 91-24-048, § 374-60-070, filed 11/27/91, effective 12/28/91.]

WAC 374-60-080 Eligibility—Local government entities. A local government may be eligible for an underground storage tank community assistance program grant if it meets the following requirements:

(1) Be the owner or operator of an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

(2) Demonstrate that the UST(s) is registered with the department of ecology;

(3) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

(4) Demonstrate that continued operation of the UST(s) meets a vital local government, public health, education, recreation, or safety need.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-080, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 91-24-048, § 374-60-080, filed 11/27/91, effective 12/28/91.]

WAC 374-60-090 Eligibility—Rural hospitals. A rural hospital may be eligible for an underground storage tank community assistance program grant if it meets the following requirements:

(1) Be the owner or operator of an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

(2) Demonstrate that the UST(s) is registered with the department of ecology;

(3) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

(4) Demonstrate that continued operation of the UST(s) meets a vital local government, public health or safety need as evidenced by a local governmental entity's certification.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-090, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 91-24-048, § 374-60-090, filed 11/27/91, effective 12/28/91.]

WAC 374-60-100 Evaluation. (1) Evaluation of applications for the UST community assistance program will be based on an assessment of eligibility, based on the requirements included in chapter 70.148 RCW.

(2) Applications of private owners and operators will be judged on three criteria. Evaluations will be based on:

(a) The financial condition of both the business and its owner(s) and operator(s) to determine if serious financial hardship exists;

(b) The vital local government, public health, education, recreation, or safety need(s) provided by the business; and

(c) Location and type of business.

(3) Applications of local government entities will be judged on three criteria. Evaluations will be based on:

(a) The financial condition of the local government entity to determine if a serious financial hardship exists;

(b) The vital local public health, education, recreation, or safety need(s) met by the continued operation of the UST(s); and

(c) Priority shall be given to local government entities which consolidate multiple operational UST(s) into as few sites as possible.

(4) Applications of rural hospitals will be judged on two criteria. Evaluations will be based on:

(a) The financial condition of the hospital to determine if a serious financial hardship exists; and

(b) The vital local public health or safety need(s) met by the continued operation of the UST(s).

(5) Evaluation of applications will be conducted by a screening team that will assess and score Part I and Part II of the application. The assessments of the screening team will be compiled and presented to the agency director for final determination.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-100, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 91-24-048, § 374-60-100, filed 11/27/91, effective 12/28/91.]

WAC 374-60-110 Funding. (1) Funds for the UST community assistance program shall be made available from the pollution liability insurance program trust account in accordance with the provision of chapter 70.148 RCW.

(2) Grants shall be limited to no more than two hundred thousand dollars (\$200,000.00) in value for any one UST site of which amount no more than seventy-five thousand dollars (\$75,000.00) in value may be provided for cleanup of existing contamination caused by petroleum from the tank(s).

(3) Grants shall be limited to only that amount necessary to supplement the applicant's financial resources.

(4) No grant may be used for any purpose other than for replacement or upgrading of UST(s), or for cleanup of contamination caused by petroleum from the tank(s). The director may, however, provide financial assistance for the establishment of a new local government UST site if it is the result of consolidation of multiple operational UST sites into as few sites as possible. In such case, the grant shall be only for the amount of construction of the new UST site. The removal of the old UST(s) and any cleanup associated with the removal shall be the responsibility of the local government.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-110, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 91-24-048, § 374-60-110, filed 11/27/91, effective 12/28/91.]

WAC 374-60-120 Grant management. (1) Successful applicants will be notified by letter of the award of a grant. Entitlement to a grant is finalized only after a contract has been finalized between the agency and the grant recipient, and a contract has been finalized between the grant recipient and the contractor.

(a) Contracts may be entered only after all program eligibility requirements have been met, funds are available and the application and evaluation process has been completed to the satisfaction of the agency.

(b) Each contract becomes effective only with the signing of both required contracts. The day of the signing establishes the beginning date of the project. No costs incurred prior to that date are eligible for payment under the grant unless specific provision is made in the grant contract for such costs.

(2) The contract between the agency and a private owner and/or operator shall contain:

(a) An agreement assuring the state of Washington that the business, including the UST site, will be maintained for the retail sale of petroleum products to the public for at least fifteen years after the grant is awarded;

(b) An agreement to sell petroleum products to local governmental entities on a cost-plus basis;

(c) An agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology;

(d) An agreement awarding the state of Washington a real property lien ensuring repayment of grant funds should any of the above conditions be violated. Such lien is to be binding on all heirs, successors or assignees of the grantee; and

(e) An agreement that should the grantee or any successor fail to adhere to all the terms of the contract through willful act, the amount of the grant shall immediately become due and payable to the state of Washington.

(3) The contract between the agency and a local government shall contain an agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology.

(4) The contract between the agency and a rural hospital shall contain:

(a) An agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology; and

(b) An agreement to provide charity care in a dollar amount equivalent to the financial assistance provided under the underground storage tank community assistance program. The period of time for the charity care to be accomplished will be established by the agency in consultation with the department of health, but will not exceed fifteen years.

(5) Contracts between the grantees and contractors shall contain terms covering payments, conditions of work and contaminated soil and water remediation procedures.

(6) If the grantee elects pollution liability insurance as the method for meeting financial responsibility, the insurance policy must name the pollution liability insurance agency as a "loss payee." If another method of demonstrating financial responsibility is selected, there must exist a provision for the agency to place an appropriate encumbrance on that document.

(7) Annually, a private owner or operator that receives a grant must submit a report, on a form provided by the agency, of petroleum business volume and what local government contracts are currently in effect.

(8) Annually, a local government that receives a grant must submit a report, on a form provided by the agency, of petroleum business volume.

(9) Annually, a rural hospital that has received a grant will report to the agency the amount of charity care provided and the dollar value of that care.

(10) At the conclusion of the fifteen-year agreement, the agency will sign a release of any claim on the real property named in the original contract between the grantee and the agency. The responsibility for removing the lien will rest with the current property owner of record.

[Statutory Authority: RCW 70.148.130. 05-19-080, § 374-60-120, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 70.148 RCW. 96-04-005, § 374-60-120, filed 1/25/96, effective 2/25/96; 93-04-041 (Order 93-01), § 374-60-120, filed 1/27/93, effective 2/27/93; 91-24-048, § 374-60-120, filed 11/27/91, effective 12/28/91.]